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NAME OF SUPERVISOR/*NOM DU DIRECTEUR DE THÈSE* Dr. A.K. Davis

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THE UNIVERSITY OF ALBERTA

INDIAN RIGHTS AND HINTERLAND RESOURCES:
THE CASE OF NORTHERN ALBERTA

by

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A THESIS
SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH
IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE DEGREE
OF MASTERS OF ARTS

DEPARTMENT OF SOCIOLOGY

EDMONTON, ALBERTA
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THE UNIVERSITY OF ALBERTA
FACULTY OF GRADUATE STUDIES AND RESEARCH

The Undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research, for acceptance, a thesis entitled INDIAN RIGHTS AND HINTERLAND RESOURCES: A CASE OF NORTHERN ALBERTA submitted by Richard Charles Daniel in partial fulfilment of the requirements for the degree of Master of Arts.

Arthur K. Davis
Supervisor

Lawrence Pratt

A.B.A. Mohsen

Date July 21, 1977

DEDICATION

To my parents

ABSTRACT

This thesis examines the history of conflict between Indians and non-Indians over the ownership and exploitation of the natural resources of Northern Alberta. A metropolis/hinterland perspective is employed in order to place this conflict within the context of changing power relations in Canadian society as a whole. The central hypothesis of the thesis is that the historical process of declining power of colonial and federal institutions in Northern Alberta, and the corresponding growth and extension of the power of Western settlers and regional metropolitan interests, has resulted in a general decline in the rights of Indians to the natural resources of the area.

Archival research provides the bulk of the data, supported by secondary historical research and some unstructured interview data.

Treaty 8 of 1899 and 1900 was the primary instrument with which the Indians of the area and the government of Canada attempted to reach an agreement on the sharing of the land and other resources and with which Indian rights are still measured to a very considerable extent, especially by the Indian people themselves. The organization of the chapters of this thesis reflects the centrality of Treaty 8.

Chapter 2 provides an historical background to the treaty, with sketches of the pre-contact ecology of the Indians, the effects of the fur trade, the beginnings of mineral exploita-

tion and settlement, and finally, the pressures for the negotiation of a treaty with the Indians.

Chapter 3 provides considerable detail on the actual negotiation of the treaty and an analysis of the terms of the treaty, particularly as they relate to the control of natural resources.

Chapter 4 departs from direct attention to Indian rights, in order to trace, in greater detail, the development of political power in the settler communities and the decline in the colonial system whereby the natural resources of the West were administered by the federal government.

Chapter 5 places Indian rights to specific natural resources in the context of this change in the metropolis/hinterland structure and analyzes the Indian political response.

The findings generally support the central hypothesis. As settlement has progressed on the prairies, the settler communities have attained progressively greater control over the natural resources of Northern Alberta. As a hinterland population, the Indians of Northern Alberta have found themselves in direct conflict with these regional metropolitan interests. The consequent decline of Indian access to natural resources has violated Indian perceptions of their treaty rights, and fostered a sense of grievance. It is found that contemporary Indian claims for greater rights to land and to fish and wildlife resources, are new manifestations of this conflict. Finally, it is concluded that the metropolis/hinterland perspective is useful in analyzing the relations between native communities and settler states.

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TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION.......................... 1

CHAPTER 2: HISTORICAL BACKGROUND TO TREATY 8....... 16

Aboriginal Ecology.......................... 18
The Fur Trade to 1870....................... 20
The Western Hinterland: 1870-1899...... 28
Athabasca: the Unknown Hinterland (1870-1899)........................... 33
Summary................................. 52

CHAPTER 3: THE NEGOTIATION OF TREATY 8............. 55

Prelude to the Treaty....................... 56
The Treaty at Lesser Slave Lake......... 63
The Treaty Adhesions...................... 82
Indian Perceptions of the Treaty....... 93
Summary................................. 105

CHAPTER 4: THE POWER OF THE SETTLERS AND THE DEVELOPMENT OF A REGIONAL METROPOLIS 108

The Colonial System and the Settlers.... 109
The Liberal Party and the Promotion of Regional Interests................. 114
Summary................................. 126

CHAPTER 5: INDIAN RIGHTS AND THE NATURAL RESOURCES OF NORTHERN ALBERTA.................... 128

Indian Reserve Lands...................... 130
Hunting, Fishing and Trapping Rights.... 160
Indian Political Development............ 189
Natural Resources and Indian Claims..... 197
Summary................................. 207

CHAPTER 6: CONCLUSIONS.......................... 211

FOOTNOTES.. 227

BIBLIOGRAPHY... 252

TABLE

Table 1: Bands and Reserves of Northern Alberta, 1977.......................... 134

LIST OF FIGURES

Figure 1: Treaty 8, in Relation to the Province of Alberta.............................. 13

Figure 2: The Prairie Treaties of the 1870s, in Relation to Provincial Boundaries Since 1912............................ 31

Figure 3: Indian Reserves of Northern Alberta, 1977................................... 133

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CHAPTER ONE

INTRODUCTION

This thesis examines the history of conflict between Indians and non-Indians over the ownership and exploitation of the natural resources of Northern Alberta. Changes in the access of Indian communities to natural resources are related to changes in the power relations in Canadian society as a whole. Specifically, it is hypothesized that the historical process of declining power of colonial and federal institutions and the corresponding growth and extension of the power of Western settlers and local metropolitan interests has resulted in a general decline in the rights of Northern Alberta Indians to the natural resources of the area.

The topic and the central hypothesis of the thesis were suggested by preliminary archival and field research on native rights in Northern Alberta and by a concern for the prospects for social and economic development of native communities. Despite the current publicity about native land claims in Canada and about the relative underdevelopment of native communities in the midst of an affluent society, there has been little scholarly attention to any possible relationships that might exist between native rights to natural resources and the underdevelopment of native communities.

Studies of the relationship of various native communities to their particular natural environments have generally been included within the domain of anthropologists. Numerous anthropologists working within the field referred to as 'cultural ecology' have deepened our understanding of the variety of modes of resource tenure and resource exploitation in native cultures and have raised important questions about institutional mechanisms of environmental adaptation.

However, as Usher has noted, the relationship of man and environment has many aspects aside from those usually referred to as 'cultural', and our reliance on the explanations of the cultural ecologists should not obscure other explanations which under certain circumstances might prove to be more powerful.[1]

Cultural ecologists have tended to focus upon the native community as a boundary maintaining social system whose adaptation to the natural environment is largely determined by the traditions and values of the community and which in turn influences the development of traditions and values. However, Usher questions the extent to which the behaviour being explained is actually determined by the culture of the local society:

> Today the neatly closed systems of the traditional ethnographies with their clearly bounded societies whose cultures prescribed the behaviour of their members in a few standardized modes, no longer exist, if indeed they ever did. In situations of culture contact and rapid change, we see the bearers of

> different cultures interacting with one another, presenting and observing a host of differing and often incompatable behavioural modes, and operating within social and economic structures which are bound to create conflict.[2]

Because of this lack of attention to external social and economic structures, these studies tend to have very limited relevance to the development prospects of the communities being studied.

Sociologists and economists have more often concerned themselves with the obstacles to development, including problems of cultural adaptation, geography and the availability of capital resources. Buckley attributes the failure to overcome these obstacles in Northern native communities to three sources: the effects of welfare, the legacy of paternalism and the absence of political power.[3] The persistence of these obstacles and the extent to which welfare and paternalism have contributed to their persistence have been the concerns of much of the recent literature. Often the role of the Department of Indian Affairs in stifling the development of a sense of personal or community responsibility is cited. Such an approach recognizes the need for local control of education, police and other government services but fails to recognize the importance of the lack of political power of Indian communities in dealing with other interests in Canadian society. In particular, it ignores the history of conflict between settlers and Indians over the control of regional natural resources and the role that this conflict has played in creating the conditions for underdevelopment.

Comparisons between the conditions of Canada's native people and the conditions of people of the 'Third World' are becoming commonplace, due to similarities in a number of socio-economic indicators. Theoretical models which have been useful in analyzing international colonialism are being applied to the relations between native Canadians and the larger Canadian society, often with insufficient attention to the many substantial difficulties of making such theories fit the particular realities. Frideres attempts to apply a theoretical model of colonialism to Canadian Indian reserves, in which "...those in the larger white structure (mainly Anglo-Canadian or European Canadian) are seen as the *colonizing* people while the natives are considered the *colonized* people."[4] Frideres' subsequent analysis of 'the colonization process' with respect to Canadian Indians suffers from a lack of specificity, particularly as a consequence of the need to see 'the colonizing people' as a monolithic entity, having the same degree of unity and sense of purpose as required for a small number of representatives of an imperial nation-state to assert control over a large native population. While this analysis has some credibility when applied to the early stages of Canadian frontier expansion, it has serious deficiencies when applied to subsequent events.

An analysis of the position of native people in Canadian society requires, above all, a sharper focus on the structure of Canadian society than one which sees it simply as a colonizing power intent upon maintaining natives in a position of colonial dependence. One might surely expect Canada's diverse social structure would not have a unitary orientation towards native people, and that whatever parallels might exist with true colonialism, our studies of Canadian native people might benefit from closer attention to some of the ways in which native people are affected by conflict and change within this diverse structure.

The theoretical model employed in this thesis is that of metropolis and hinterland. This model has been used by Frank in the analysis of international economic relations.[5] Its applicability to Canadian regional development has been suggested by Davis[6], Naylor[7], and Colthart[8], and to native communities by Usher.[9]

A major premise of the metropolis/hinterland model is stated by Frank:

> Economic development and underdevelopment are not just relative and quantitative, in that one represents more economic development than the other; economic development and underdevelopment are relational and qualitative, in that each is structurally different from, yet caused by its relation with, the other. Yet development and underdevelopment are the same in that they are the product of a single, but dialectically contradictory, economic structure and process of capitalism. Thus they cannot be viewed as the products of supposedly different economic structures or systems, or of supposed differences in stages of economic growth achieved within the same system.[10]

Frank's model asserts that a centre of economic development and political power (metropolis) will tend to maintain and promote this centralized development and power by drawing upon the natural, financial and human resources of an underdeveloped region (hinterland).[11] Furthermore, this same process of development for the metropolis tends to inhibit the development of the hinterland.

Davis emphasizes the applicability of the metropolis/hinterland model to historical-sociological studies of "...those regional and national confrontations which do not evolve into full-fledged structural revolutions."[12] Hinterland populations may go through periods of open rebellion, acquiescence, relative progress or setbacks in their relations with the metropolis without overcoming the essential dependency of a hinterland. Thus, the model need not be restricted to a static analysis of social structures or to revolutionary social change.

A further advantage of the metropolis/hinterland model is that it avoids the dualism usually assumed by a simple colonial model, in favour of a hierarchy of metropoles and sub-metropoles or satellites. A particular city or region may exert a neo-colonial domination over its own hinterland while at the same time under the domination of a larger regional, national or international metropolis. The analysis may be extended to incorporate a complex chain of such relations in which the fate of any particular regional entity may be profoundly affected by changes in seemingly distant linkages.

The northern regions of Canada's three prairie provinces fit the description of a hinterland. However, when we consider only the native communities of these regions, the characteristics of underdevelopment are even more striking: low productivity of labour, extreme poverty, low life expectancy,and a high rate of natural population increase.[13] Whereas in the northern regions of Manitoba and Saskatchewan the native population comprises over forty per cent of the total population, in the more heavily populated north of Alberta, the native population of approximately 18,000 comprises only about twelve per cent of the total population. However, the extent to which this native population has remained geographically, socially and economically separated from the larger population of settlers suggests that it might be fruitful to consider it as a distinct hinterland population.

Although the metropolis/hinterland model is quite appropriate to our central thesis, two important reservations about the model must be registered in order to avoid any tendency to draw conclusions from this study which can not be supported by the data presented. First, our use of the model does not posit a deterministic relationship between metropolis and hinterland. Naylor attempts to deduce the character of metropolis/hinterland linkages solely from the metropolis as if socio-economic changes in the hinterland were either totally determined by changes in the metropolis or irrelevant to the nature of the linkage.[14] Although a metropolis/hinterland relationship is by definition an unequal relationship in terms of socio-economic development and political power, a deterministic model will fail to provide an analysis of some significant phenomena in the hinterland which cannot be traced directly to phenomena in the metropolis. We follow Davis in the assumption that these relationships are unequal but dialectical.[15]

Second, the metropolis/hinterland model provides only a partial explanation of development and underdevelopment. In particular, the model is oriented towards studies of the power relations that exist between regions or nations on the assumption that at least part of the explanation for inter-regional and international disparity lies in the nature of these power relations. However, as Johnson has noted, studies of this sort have the habit of arguing that poverty is entirely a political problem requiring nothing more than a change in the power relations being studied:

> One suspects that the habit of laying the blame for lack of development, and current poverty, on the system of competitive international trade is a form of role transference. For it serves the useful political purpose in the new nation of exculpating the past and present cultures from responsibility for lack of development, and permitting the politically mythological possibility of achieving development by political effort without requiring fundamental social change. In other words, the myth supports the consolidation rather than the transformation of existing culture and social organization, and indicates the use of political power...to obtain the fruits of economic development without the labour of sowing and tending the crop.[16]

It is beyond the scope of this study to attempt a thorough analysis of the broader issues of the social and economic development of Indian communities or to attempt an assessment of the relative significance of the many factors contributing to the state of poverty of many of these communities. Access to natural resources is merely one variable in a complex equation and if viewed from a narrow and ahistorical perspective it may be seen as a condition which is not only insufficient but unnecessary for social and economic development. However, the historical importance of the natural resources issue as well as its current prominence in the demands of Indian organizations suggests that it is fundamental to an understanding of the political environment for Indian and government development strategies. Regardless of their other merits, development strategies which fail to come to terms with this issue may fail to assuage long-standing Indian grievances and may encounter substantial hostility and opposition as a consequence. Therefore, the metropolis/hinterland model employed here orients us towards one significant variable without attempting a comprehensive explanation of the underdevelopment of Northern Alberta Indian communities.

The relationship of the aboriginal and treaty rights of Indian people to the control and development of natural resources is open to study by a variety of sociological methods. We have chosen an historical method in the belief that only by careful study of the history of Indian-white relations can we begin to understand the extent to which the current character of these relations is determined by past agreements, conflict and change. To the extent that the Canadian political system is to resolve current conflicts on the basis of some concept of Indian rights, an historical understanding of these rights is essential. Furthermore, an historical analysis should help us to differentiate between the relationships which Indian people developed with different elements of the larger society which exerted an influence on Indian communities at different historical junctures. Although extensive historical research has been completed by Zaslow on the opening of the Canadian North,[17] and by Fumoleau on the Indians of the Northwest Territories,[18] there has been little work on these subjects of an historical-sociological nature which attempts to relate history to contemporary social relations.

The bulk of the historical data has been acquired through extensive archival research on primary sources, particularly in the Public Archives of Canada. The most significant of these sources are the files of the Indian Affairs Branch currently held as Record Group 10 of the Public Archives (P.A.C. - RG 10) as well as those still held by the Department of Indian Affairs and Northern Affairs in Ottawa. Files of the Department of Interior and the Annual Reports of Indian Affairs, Interior and the North West Mounted Police have also been of substantial value. Some sections of Chapter 2 and Chapter 4 have required considerable reliance on secondary sources as cited.

Chapter 3 introduces some interview data collected by field workers of Treaty and Aboriginal Rights Research of the Indian Association of Alberta from 1972 through 1976. These interviews with Indian elders of the Treaty 8 area of Alberta were conducted in native languages by interviewers fluent in those languages. The interviews were not structured but were focused on the meaning and implementation of Treaty 8. The respondents were selected in an unsystematic manner usually on the basis of reports from other members of their communities that they had reliable knowledge of the treaty negotiations or the history of the band or community. Generally these were elderly men and women who were able to relate stories that had been told to them by parents, grandparents or others who had been involved in treaty negotiations. The interviewers were generally responsible for translating and transcribing their own interview tapes, and had a wide range of ability and experience, from well trained and experienced research staff members to relatively untrained and inexperienced persons on specific short term assignments.

In the absence of a written historical tradition among native peoples, interview data of this sort from carriers of the oral tradition of these communities adds an important element that cannot be obtained from archival sources. This oral tradition not only provides data on current Indian perceptions of the treaty but also some of the best available evidence on Indian perceptions of the treaty negotiations as they occurred. Although these interviews are undoubtedly affected by the transmission of the oral tradition, and by a number of variables in the interview situation itself, they remain an important supplement to written sources which are produced almost entirely from outside the Indian culture.

The author's employment with the Indian Association of Alberta since November 1973 has provided another source of data which cannot be cited with as much specificity but which undoubtedly contributed substantially to this thesis. Included in this category are several field trips to Indian communities and meetings and informal contacts with personnel of various Indian organizations and government agencies.

The geographical area of the study might be defined as that portion of the present Province of Alberta which was included under Treaty 8 in 1899 (see map, page 13). Treaty 8 was signed 22 years after the last of the treaties of the 'fertile belt' of the prairies and covered an area with a very different resource base from that of the previous treaties, including most of Northern Alberta and parts of Saskatchewan, British Columbia and the Northwest Territories. In 1905 the Province of Alberta was established but it was not until 1930 that the federal government gave the new province control of its natural resources. The study will therefore encompass a number of changes in the form of administration of hinterland resources. It is felt that a study of the entire Treaty 8 area might permit a more

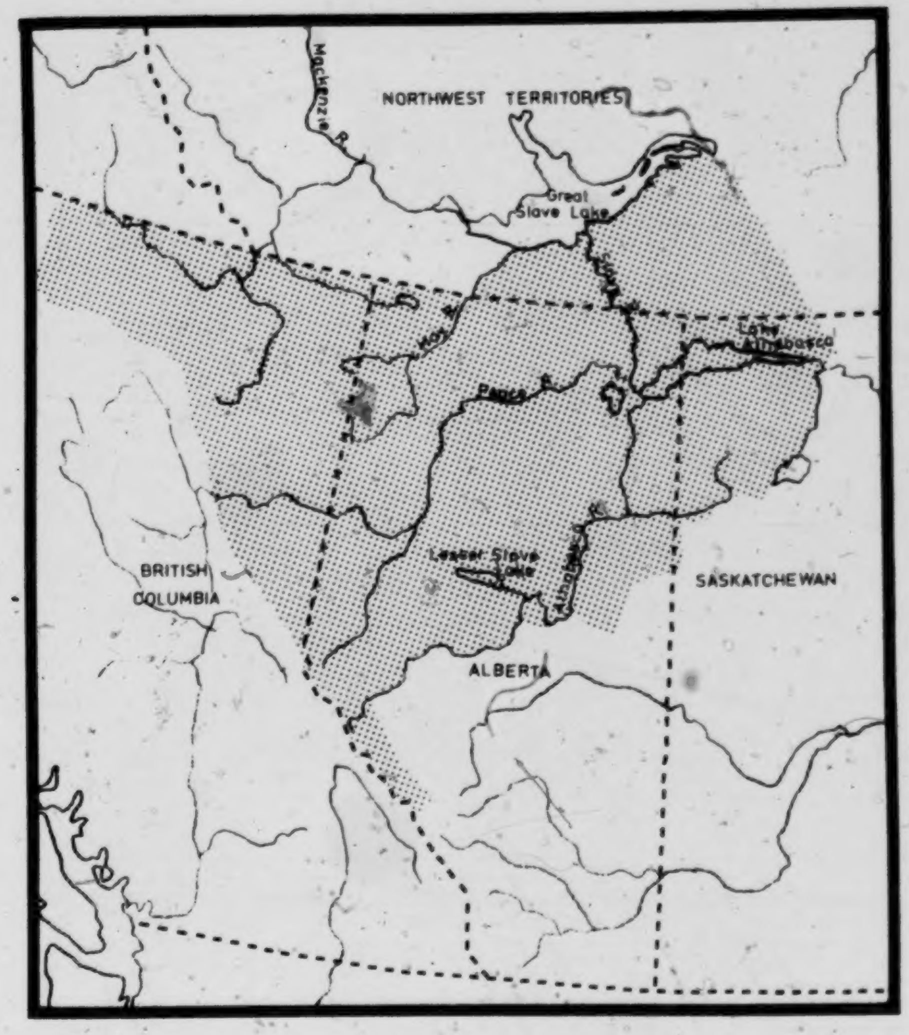
Mackenzie R.
NORTHWEST TERRITORIES
Great Slave Lake
Slave R.
Hay R.
Lake Athabasca
Peace R.
Lesser Slave Lake
Athabasca R.
BRITISH COLUMBIA
SASKATCHEWAN
ALBERTA

FIGURE 1: TREATY 8 IN RELATION TO THE PROVINCE OF ALBERTA

▨ area covered by Treaty 8, 1899 and 1900.

----- provincial and territorial boundaries since 1905.

comparative approach to the current administration of resources by various governments. However, the difficulties in gathering data for the entire treaty area precluded this approach. The study area is therefore a compromise between the historical significance (to Indians as well as governments) of the Treaty 8 boundaries and the current significance of the provincial boundaries.

The thesis is primarily concerned with those residents of the study area who are defined as 'Indians' under the Indian Act. Other native people of the study area, including Metis and non-treaty Indians have substantially different natural resource rights and a unique history of relations with federal and provincial governments. In 1976 the treaty Indian population of this area was approximately 9,072.[19]

Treaty 8 of 1899 and 1900 was the primary instrument with which the Indians of the area and the government of Canada attempted to research an agreement on the sharing of the land and other resources and with which Indian rights are still measured to a very considerable extent, especially by the Indian people themselves. The organization of the chapters of this thesis reflects the centrality of Treaty 8. Chapter 2 provides an historical background to the treaty with sketches of the pre-contact ecology of the Indians, the effects of the fur trade, the beginnings of mineral exploitation and settlement and finally, the pressures for the negotiation of the treaty with the Indians.

Chapter 3 provides considerable detail on the actual negotiation of the treaty and an analysis of the terms of the treaty, particularily as they relate to the control of natural resources. Chapter 4 departs from direct attention to Indian rights in order to trace in greater detail the development of political power in the settler communities and the decline of the colonial system whereby the natural resources of the West were administered by the federal government. Chapter 5 places Indian rights to specific natural resources in the context of this change in the metropolis/hinterland structure and analyzes the Indian political response. Finally, the concluding chapter summarizes the findings and discusses some implications for sociological theory and for the development prospects of Indian communities.

CHAPTER TWO

HISTORICAL BACKGROUND TO TREATY 8

CHAPTER TWO

HISTORICAL BACKGROUND TO TREATY 8

Northern Alberta lies within the boreal forest region of Canada, a region dominated by coniferous forests and wealthy in a variety of fur-bearing animals and other wildlife. The altitude of the study area generally decreases from over 6,000 feet in the Rocky Mountains in the Southwest corner to under 1,000 feet at Lake Athabasca in the Northeast corner, although most of the area lies between 1,000 feet and 3,500 feet above sea level. The entire area is part of the Mackenzie River basin and is drained primarily by the Athabasca, Peace and Hay river systems (see map, page 13).

The most significant variation in the geography of the area occurs in the region from Lesser Slave Lake through the Peace River block and in the vicinity of the town of Fort Vermilion where patches of parkland have made possible the most extensive farming district that far north on the continent. The extreme Northeast corner of the study area, North of Lake Athabasca, is characterized by the rock and open woodland of the Canadian shield.

The climate of the area is somewhat more harsh than that of the grassland and parkland areas to the south. Whereas the average frost free period of the southern prairies is from 80 to 120 days, in most of Northern Alberta it is only 60 to 70 days and even in the vicinity of Lesser Slave Lake and the Peace River block it is only 80 to 90 days.[1]

Aboriginal Ecology

When Treaty 8 was negotiated in 1899 the government found Indians of two major language groups living on the land to be included under the treaty. These were Cree, and Athapaskan or Dene (including Chipewyans, Beavers, Slaveys, Dogribs, and Yellowknives). Cree speaking people were living in various locations scattered throughout what is now Northern Alberta. Chipewyans were living in the eastern portion of the treaty area, primarily in the vicinity of Lake Athabasca, north of the lake into what is now the Northwest Territories, and south along the Athabasca River. Beaver Indians were living in the western portion of the treaty area in what is now British Columbia and along the Peace River in Alberta. Slaveys, Dogribs and Yellowknives were living in the northern part of the area.

The life of Indians of the boreal forest has always differed markedly from that of the plains Indians to the south, as this region was characterized by a harsh climate and cyclical fluctuations of plant and animal life.[2] Prior to the fur trade era, their economy consisted of hunting, fishing, and gathering, with variations to suit local resources. For example, the Chipewyans were primarily caribou hunters and fishermen, while Slavey were heavily reliant on moose. Both groups gathered bird's eggs and berries and hunted small game. All of these food resources were subject to fluctuations in supply and it was necessary for the Indians to manage their use of resources in such a way as to take advantage of these fluctuations and to avoid over-use of particular resources which were in short supply.

According to Vanstone, each band had a specific territory which it customarily exploited, although the boundaries were flexible,

> Evidence indicates that during the aboriginal period, resources within the territories of the various Athapaskan groups were available to all who needed them. When there was no game in a particular area, the people who had been hunting there felt perfectly free to move into an area being exploited by neighbors, and there appears to have been no resentment on the part of those who shared their resources. It should be emphasized, however, that this kind of sharing among subgroups was usually confined within the larger boundaries of a single group. Even these boundaries were doubtless flexible.[3]

Resources were not only shared with members of a band but to some extent with outsiders as well. Even non-Indians were accepted provided that they behaved decently and did not threaten the Indian way of life.[4] This easy acceptance of outsiders allowed the fur trade to establish posts throughout the area with no initial hostility. However, as will be noted in later sections of this thesis, other incursions of whites into Indian land were seen as threats to the Indian people and were resisted.

The Fur Trade to 1870

The fur trade had made some inroads into what is now Northern Alberta as early as 1717 when some Athapaskan bands were travelling on foot to the Hudson's Bay Company post at Fort Churchill from beyond Lake Athabasca.[5] However, after that date the Crees increasingly took over the role of middlemen in the trade with these distant bands. Exploiting their military supremacy gained through access to the guns of the fur traders,the Crees rapidly spread into formerly Chipewyan territory south and east of Lake Athabasca.[6] Their monopoly over trade with the distant bands also gave the Crees a strong position in determining the terms of trade with the Hudson's Bay Company which had no alternative access to these furs.[7]

After 1763 strong competition between free traders and the Hudson's Bay Company prompted both to move their posts further and further into the Western hinterland in a struggle for control of the trade with inland bands. Peter Pond established the first post on the Athabasca River, in 1778.[8] Five years later Pond and many of the most prominent free traders joined in the formation of the North West Company which was to be a major competitor with the H.B.C. until the two companies merged in 1821. Pond's post was moved to Fort Chipewyan in 1788 and expanded to become the most important N.W.C. post in the north.[9] Within four years the N.W.C. also had established posts near the present sites of Fort McMurray and Peace River,[10] and by 1805 had important posts at Dunvegan and Fort St. John, both on the Peace River[11] and at Lesser Slave Lake.[12]

Coincident with the expansion of trading posts on the Athabasca and Peace Rivers was the spread of smallpox to many of the bands of the area, with drastic results. Samuel Hearne estimated that ninety per cent of some Chipewyan bands had been killed by the disease in 1781[13] and at approximately the same time deaths in the Fort McMurray region were so numerous that the N.W.C. abandoned its post there.[14]

By the end of the eighteenth century the North West Company and the Hudson's Bay Company had established posts to trade directly with the Chipewyans on the Athabasca River and with the Beaver Indians on the Peace River. Ray suggests that the consequent decline of the Cree's position as middlemen and their relative lack of trapping skill was largely responsible for the substantial Cree migration to the buffalo ranges to the south.[15]

In the decade prior to the merger of the two fur trade giants in 1821, the rich fur district of Athabasca became the site of the most intense competition between the companies. The Indians were able to exploit this competition to obtain favourable terms of trade, but by 1821 the fur resources of the region had been seriously depleted.[16]

This period of establishment and development of the fur trade in the study area prior to 1821 was apparently accomplished with no resistance from Indian tribes but with some intertribal conflict over territory. Fur traders were able to establish themselves in new areas only by recognizing and appreciating the Indians' patterns of resource use and their view of the fur trade. The fur trade had to adapt to Indian culture as much as Indians had to adapt to the fur trade. Foster notes that the ceremonies of trade reflected a basically reciprocal arrangement - a compact between the trading company and the band, in which each had the right to make certain demands of the other.[17] For example, it was the practice of the Hudson's Bay Company to provide free medical attention to Indians and to care for those who were unable to hunt due to age or infirmity.[18] The most serious conflicts between traders and Indians occurred not as a result of expansion of the trade, but its contraction and rationalization after the merger of 1821 which caused several posts to close.[19]

The merger of the trading companies, under the name of the Hudson's Bay Company, initiated a period of thirty-eight years in which the new company enjoyed exclusive rights to trade with the Indians of the Northwest. However, this monopoly in Rupert's Land was only maintained by carrying on a fierce struggle with competitors in the surrounding regions in order to prevent them from encroaching upon the monopoly area. Competition was particularly strong in Upper and Lower Canada, British Columbia and the Manitoba - North

Dakota area.[20] In these areas as well as on the Western plains where the trade had shifted from furs to provisions of foods for the Northern trading operations, alcohol remained an essential item of trade for the Company.[21]

In the more northerly forested regions, however, monopoly brought about substantial changes in the nature of the fur trade. The Hudson's Bay Company sharply curtailed the use of alcohol[22] and was also able to change the terms of trade to the disadvantage of the Indians.[23] However, the Company was partially successful in inducing the Indians to practice conservation and to reduce the level of fur harvest that had threatened the resource base and the fur trade during the years of competition.[24]

By 1848 the fur trade monopoly was being threatened by free traders, particularly in the vicinity of the Red River settlement. In 1849 the free traders won a decisive victory when a Fort Garry court set a Metis man free without penalty despite his conviction for violating the Company's monopoly. The local citizens rushed out of the trial shouting "Le commerce est libre! Le commerce est libre!"[25]

In the 1850s a more serious threat to the monopoly than that of the free traders became apparent - a coalition of editors, farmers and politicians in Canada were becoming increasingly vociferous in its insistence that the lands of the West were fertile and should be annexed by Canada.[26] Exaggerated claims of the exploitation of the Indians by the H.B.C. were advanced to discredit the Company and to undermine its charter. A British House of Commons committee established in 1857 to examine the Company's rights vindicated the Company of the extreme charges regarding its treatment of Indians. Its hearings made it apparent that the fundamental conflict was not between the Indians and the H.B.C. but between the interest of the fur trade and the interests of settlement.[27] Although the charter would not be surrendered for another twelve years, settlement was clearly inevitable and the leadership of the Company began to make preparations for a successful transition to the new order.[28] Whether its partners in the fur trade, the Indians, would be as successful in the transition was doubtful.

Through the fur trade the Indians of the study area were able to benefit from development of their material culture while retaining substantial control over the terms of trade, the nature of their interactions with the traders and their access to natural resources. Of fundamental importance to the Indians' ability to benefit materially from the fur trade while retaining substantial control over their own cultures was the fact that the nature of their role in the fur trade did not require that they relinquish control over the natural resources of their territory. Thus, although they became increasingly dependent upon trade goods and the services of the trading companies, they never lost the option of returning, to a greater or lesser degree, to a life based on hunting, fishing and trapping for subsistence rather than trade. In fact, for most of them, continued reliance on traditional pursuits was a necessary supplement to the fur trade economy.

Prior to substantial agricultural settlement on the prairies, the Indians of the Northwest enjoyed a virtual monopoly over the harvesting of wildlife resources. The extension of trading posts into the interior and the decline of the Indian middlemen as well as the monopolization of trading reduced the effectiveness of this monopoly on resources, but could not entirely destroy it. The ability of the trading companies to exert greater control over the trade was limited even under conditions of a trading monopoly, by the difficulty of inducing the Indians to exert themselves much beyond the level of effort required to provide for basic necessities, and by their ability to provide most of those necessities from the land if the terms of trade became too oppressive. The material basis for traditional cultures remained largely intact despite the availability of economic and cultural development.

It might be argued that despite the continued existence of a subsistence alternative, the cultural changes induced by the fur trade rendered the Indian people incapable of choosing such an alternative and that consequently their dependence on the fur trade was total. However, as previously noted, the social and cultural relations between traders and Indians were more often characterized by an interdependence based on equality and reciprocity than upon domination.

There is some evidence from studies of the cultural ecology of Northeastern Algonkians that the fur trade brought about substantial changes in the patterns of resource use and tenure among Indians of the boreal forest regions. Leacock argues that the fur trade was responsible for a movement away from communal harvesting of resources and communal ownership of land towards harvesting by individuals and family units, a clearer definition of territorial rights, and eventually, the beginnings of a concept of individual land ownership.[29] Integration into an economy based on production for exchange rather than for use draws attention away from ownership of the products of the land towards ownership of the land itself.

More recent work by Rolf Knight indicates that the fur trade itself did not provide sufficient conditions for the development of a clear cut system of family territoriality and that except where the fur trade provided a reliable survival security, communal ownership remained important.[30] At most fur trade posts such security was not available.

> Leacock holds that as Indian groups become more integrated into the fur trade, they become less limited by and more independent of the environment. But if we look at a trapping - trade situation from a trapper's-eye view, we see that not only do the various animal populations continue to fluctuate, but a whole host of new factors, fluctuating and only partly predictable, enter. Prices of pelts change from year to year and possibly between the time the trapper leaves the post and the time when he returns with the pelts. The availability of

> credit varies. The acceptable condition of pelts changes. Posts open, expand, decline and close, requiring changes in routes or relocation of trapping areas. Transport routes and costs change, changing the price of commodities at different posts. Though the development of the fur trade did undoubtedly offer new opportunities and goods which allowed a much more effective utilization of the environment, a potentially higher standard of living, it did not necessarily create a stabilization of income and a subsistence security base against economic fluctuations.[31]

Not only did the fur trade not require complete subordination of Indian culture and social organization to European standards, in most areas it actually required a substantial continuity with the cultural ecology of pre-contact societies.

Although most of these detailed studies of cultural ecology are concerned with Algonkians of the boreal forests of Northeastern Canada, it would seem that Knight's work in particular is applicable to the conditions that existed among Crees (Algonkians) and Dene (Athapascans) of the study area during the nineteenth century. Cree bands, in particular, tended to reply upon a system of intensively hunting and trapping an area until depleted, then moving to a new area and allowing the former area to regenerate. This system would not allow the development of a concept of exclusive ownership of land.[32]

The Dene tended to be more sedentary than the Crees. Vanstone notes that the fur trade did lead the Dene to place greater emphasis on individualism while some co-operative activities declined in importance, "...but the sharing of big game and other important resources in the environment, a deeply rooted concept in traditional Athapaskan culture, has continued to be significant."[33]

The fur trade as it existed prior to settlement in the Northwest brought substantial changes to the cultures and social organizations of the Indians of the study area. It would appear, however, that unlike other metropolitan interests that were to assert control over this hinterland, the fur trade was not characterized by conflict with Indian people. It allowed and even required the independence, development and continuity of Indian culture and patterns of resource use and tenure. European alternatives in language, religion, economics and social organization became increasingly familiar to the Indians but were only selectively adopted. Furthermore, these alternatives were successfully integrated with developing Indian economies and cultures more often than they were the source of serious conflict.[34]

The Western Hinterland, 1870-1899

The fact that the prairie West of what is now Canada was to become a settled area for ranching and perhaps even farming was widely accepted by 1860. Even the leadership of the Hudson's Bay Company could see the end of their monopoly over the area and were making preparations to sell their interest in the company.[35] Speculators, railway promoters and potential settlers in Minnesota, the Dakota and Montana territories and the British colonies all had definite interests in seeing that control of this vast area would pass to a government which would promote settlement.

In 1863 the Hudson's Bay Company was sold to a group of British capitalists committed to the opening of the West and to the potential profits that might be derived from telegraph projects and land colonization schemes.[36] For the next six years the Company did little but act as a holding company for this wealth of resources while pressure continued to mount on the British government and (after 1867) the Canadian government to buy out the Company's interest in the land. Finally, in 1869 the Company reluctantly agreed to a settlement which eventually proved to be highly profitable, largely due to the extensive areas of land that it retained for the Company.

Once the rights of the Hudson's Bay Company had been effectively dealt with, the major remaining impediment to settlement was the fact that the land was already occupied, albeit sparsely, by the prairie Indians and the Metis. The difficulties encountered in overcoming this obstacle, including the Red River Rebellion, the prairie Indian treaties and the Rebellion of 1885 have been the subjects of considerable historical research and will not be reviewed here in detail. However, as a background to Treaty 8, a brief review of the development of the federal government's Indian treaty policy is necessary.

Prior to Confederation, relations between the settlers and the native peoples of British dominions and territories were dictated by the Royal Proclamation of 1763 which vested in the Crown the exclusive right to enter into agreements with the natives for the relinquishment of their land rights. These native land rights were of a generally undefined nature under British law but included the right to use and occupy the land. While the proclamation restricted the sovereignty of the native people in that it denied them the right to bargain with individual settlers or other countries for the rights to 'their land', its effects were undoubtedly of great benefit in preventing their exploitation at the hands of frontiersmen.

Under the federal structure of the British North America Act of 1867, the federal government retained exclusive jurisdiction over "Indians and lands reserved for Indians", including the right and responsibility to enter into treaty negotiations for the extinguishment of aboriginal rights prior to large scale settlement. In the first decade after Confederation the Government of Canada negotiated seven treaties with the Indians, covering the entire 'fertile belt' of the prairies from Lake Superior to the Rockies and as far North as the Athabasca River (see map, page 31).

The Indians of the prairies were not in a position to oppose settlement by refusing to sign the treaties and therefore had limited strength from which to negotiate favourable terms. However, they were able to extract commitments from the government which went some distance

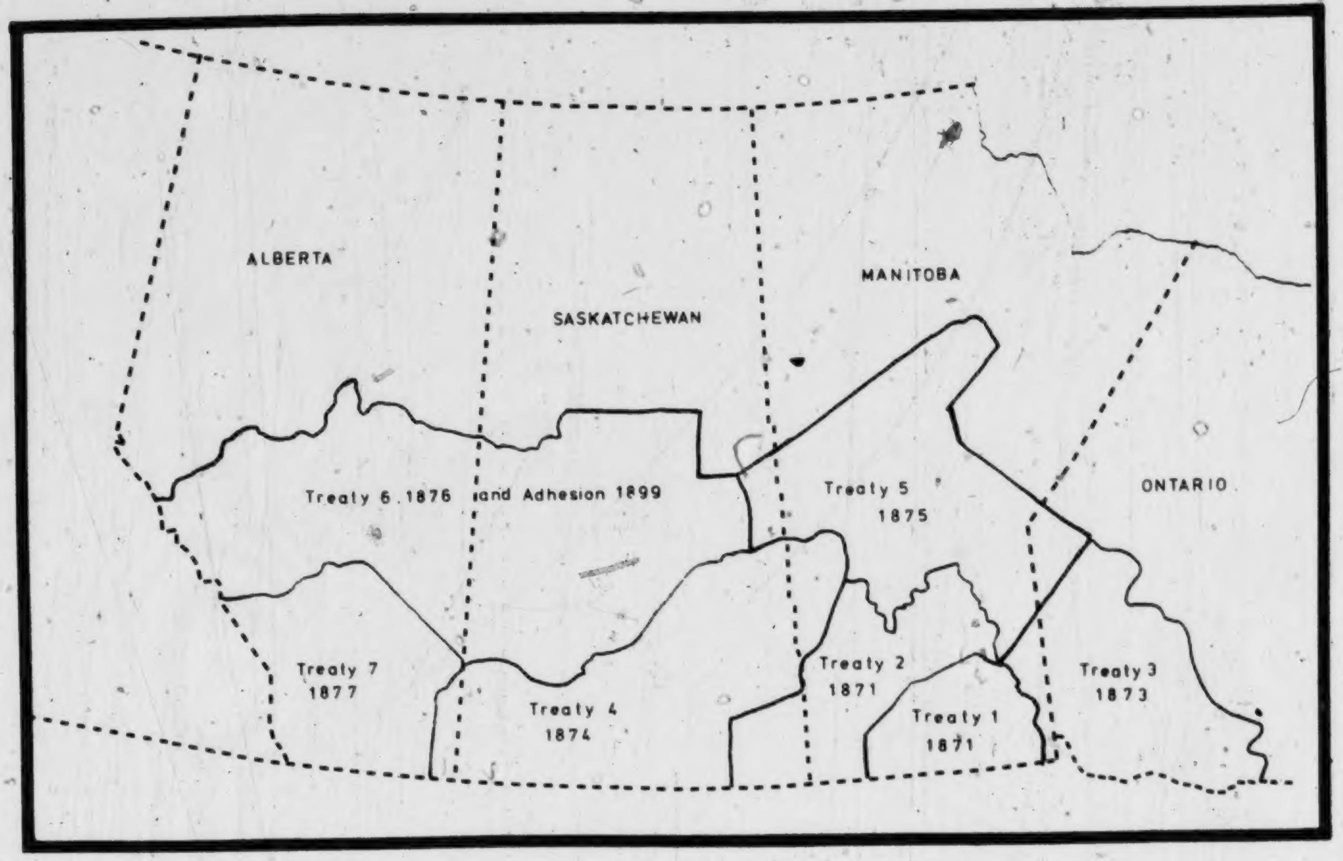
ALBERTA
SASKATCHEWAN
MANITOBA
ONTARIO
Treaty 6 1876 and Adhesion 1899
Treaty 5 1875
Treaty 7 1877
Treaty 4 1874
Treaty 2 1871
Treaty 1 1871
Treaty 3 1873

FIGURE 2: THE PRAIRIE TREATIES OF THE 1870s IN RELATION TO PROVINCIAL BOUNDARIES SINCE 1912.

—— treaty boundaries

----provincial boundaries

beyond those granted in earlier treaties in Eastern Canada and beyond what the government would have assumed as a matter of policy. For example, Treaty 6, perhaps the most favourable from the Indian point of view, provided: reserves of an area of one square mile per five people; annuities of five dollars per person; assistance in farming and specific provisions of implements, cattle and seed; teachers to instruct the children; food rations in times of hardship; medical assistance in the form of a medicine chest; and the right to hunt, to fish and to trap on unoccupied Crown land. Although it was clearly the government's intention that as settlement progressed the Indians would be required to give up their use and occupation of lands outside of the reserves, interviews with Indian elders in recent years raise many questions about the extent to which the Indians understood and accepted the surrender of land and resources.[37]

It was the intention of the government's Indian policy that the Indians would become 'civilized' and eventually assimilated into the settler society with the paternal assistance and guidance of a newly expanded Indian Affairs administration. This task of transforming the economy and social structure of a people whose way of life had been swept away was fraught with difficulties but was seen by the government as the only real alternative to the Indian's active resistance to settlement and perhaps the near disappearance of the race by starvation. The form and extent of assistance given over the following decades was clearly inadequate to the task, and incidences of both rebellion and starvation did occur. However, the failure of the Indian policy must be measured against the probable outcome had the Indians been left to defend themselves against the tide of frontier settlement, without even the inadequate protection afforded by the federal state.

Athabasca, the Unknown Hinterland: 1870-1899

When the Indian treaties of the 'fertile belt' were signed in the 1870's, the Canadian government knew little about the land lying to the north of this belt, or about the native people of the area. However, between 1870 and 1899, missionaries, traders and government geologists and geographers supplied the government with a wealth of information and opinions, often conflicting, about the potential for settlement of the area, the natural resources, and the condition of the Indian population.

Although there were undoubtedly periods of famine in the Athabasca and Mackenzie districts throughout the 19th Century, the Canadian government did not become fully aware of the extent of the hardships until after the Hudson's Bay Company had surrendered its charter to Rupert's Land in 1870 and the Dominion of Canada assumed jurisdiction over the area. The Department of Indian Affairs and the Prime Minister then began to receive petitions from missionaires and the Hudson's Bay Company employees for government relief for the Indians. Both the Company and the missionaries felt that they should no longer be responsible for providing relief now that the territory had been transferred to the Dominion. The Company, faced with not only the loss of its monopoly of the fur trade but also with falling fur prices in the 1880's, was particularly resentful of expectations that it would continue to finance relief to the Indians.[38] At the same time missionaries like Vital Grandin, Catholic bishop of St. Albert, persistently wrote to the Prime Minister and the Lt. Governor of the Northwest Territories, with descriptions of starvation and pleas for government aid. The government response was to disclaim any responsibility for Indians with whom no treaty had been signed,[39] and to hold rigidly to the policy of postponing treaty negotiations until the land was required for settlement.

The petitions did have the effect of prompting some people in the federal government to consider the advantage of signing a treaty before the land was actually required for settlement. In 1883 the Superintendent General of Indian Affairs advised the Prime Minister:

> The undersigned was informed from several quarters while in the Northwest that very much uneasiness exists among the Indians in the unceded part of the Territories at parties making explorations into their country in connections with railroads, etc., without any Treaty being made with them; and it was reported to him by persons well acquainted with these Indians that they are most anxious to enter into Treaty relations with the Government and that it is in the interest of humanity very

> desirable that the Government should render them assistance, as their condition at many points is very wretched. The Indians in the unceded portions of the Territories are not numerous; but at the same time they could of course do great injury to any railway or any public work which might be constructed in their country, unless the Government had a previous understanding with them relative to the same.[40]

However, Prime Minister Macdonald held to the view "that the making of a treaty may be postponed for some years, or until there is a likelihood of the country being requested for settlement purposes."[41]

Difficult conditions in 1887 and 1888 prompted a new round of vigorous appeals from the Company and the missionaries for government supplies, and accounts of starvation began to appear in prominent newspapers. During the winter of 1887-88 there were reports that Indians in Fort St. John werekilling their horses for food, that one of the Hudson's Bay Company's cattle had been killed, and that more might be killed unless the government aided the Indians and also brought law to the area.[42]

There appeared to be a developing public opinion in favour of assistance regardless of whether or not a treaty had been signed, as expressed in the Calgary Tribune, February 5, 1887:

> If the matter is looked at squarely, it is surely a fearful thing that any community under Canadian rule should perish for lack of assistance that it is possible to render. It is not a duty that we owe to the Indians as much as one that we owe to ourselves and to humanity in general. Not only is

> the Country under a moral obligation to render assistance to these people but it would be good policy to do so. Sometime soon a treaty will have to be made with them as a preliminary to the opening of their splendid country and were timely assistance to be rendered to them now in their time of need it would pave the way for a good feeling when the treaty came to be made that would not be to the disadvantage of the Country.[43]

In 1888 the federal government took its first significant step towards providing relief by making available $7,000.00 to the Hudson's Bay Company for provisions for destitute Indians in all of the 'unorganized territory'. Similarly, in 1889 Parliament voted an annual grant of $500.00 to the Roman Catholic Bishop of the Mackenzie for the purpose of distributing twine and fish hooks to the Indians. In the field of education the government had been providing some assistance to the Grey Nuns' school at Fort Chipewyan since 1880.[44]

The policy of providing government relief through the Hudson's Bay Company was controversial within the Department of Indian Affairs because the Company was getting undeserved credit for government assistance and as the costs of this program escalated each year some became suspicious that the Company was using the grant to supply its own hunters.

The need for assistance in times of hardship apparently had the effect of prompting some of the Indian population to give some consideration to the benefits that might be derived from a treaty. One trader in the Lesser Slave Lake area reported he had been asked by Chief Kinoosayo to inform the government that the Indians of the area had held a meeting on January 1, 1890 to consider applying for a treaty;

> A very few of those present were against the treaty, but a very large majority were in favor of it. After it was over many letters written in Cree characters were received from Indians who were unable to attend but who wished to have the treaty. The Indians of the upper part of Peace River are also anxious to have the treaty.[45]

Conditions appear to have improved somewhat after 1890, as by 1897 the Indian Commissioner of the N.W.T. was reporting that appeals for assistance from non-treaty areas were "...comparatively infrequent" and that the Indians were presently "... in an independent condition."[46]

It is clear that conditions of starvation among the Indian population of the Peace River and Athabasca River areas were of very little, if any, importance in the government's decision to enter into a treaty. In fact, when Treaty 8 was finally signed it did not include the Isle a La Crosse area from which there had been many reports of hardship, and requests for a treaty, but did include most of the areas of known mineral wealth and agricultural value.

While the government was receiving these reports of the condition of the Indians of the 'unorganized territories' it was also receiving reports from field personnel of the Department of the Interior and the Geological Survey Department which indicated that parts of these territories might be considerably more valuable than previously expected.

As early as 1793 the explorer Sir Alexander Mackenzie had mentioned that tar and oil could be found oozing from the banks of the Athabasca. Since that time few explorers of the area failed to mention the tar sands or to speculate on its future potential. However, it was not until the late 1870's and the 1880's that government geologists and geographers began to take serious notice. In 1875-76, A.R.C. Selwyn and Professor Macoun of Geological Survey reported that petroleum existed in the Athabasca region in almost inexhaustible quantities.[47] A more detailed report of the Athabasca region by Robert Bell of the G.S.C. in 1883 reported the existence of "...petroleum bearing sandstone, petroleum-impregnated marl, flowing asphalt, petroleum strata, free petroleum, petroleum and asphalt." This report was given added weight by a survey of the Athabasca region in 1890 and 1891 by R.G. McConnell of the G.S.C. who estimated that there were 4,700 million tons of tar in the region, as well as natural gas, bitumen, oil and pitch.[48] A few years prior to this McConnell had also found large quantities of petroleum in the vicinity of the Mackenzie River and Great Slave Lake and commented:

> ...its situation north of the still unworked Athabasca and Peace River oil field will probably delay its development for some years to come, but this is only a question of time. The oil fields of Pennsylvania and at Baker already show signs of exhaustion, and as they decline the oil field of northern Canada will have a corresponding rise in value."[49]

The optimism of the earlier geological reports by Selwyn, Macoun and Bell prompted the formation in 1888 of a Senate Committee to investigate the value of the entire territory between the Rocky Mountains and Hudson Bay, and lying north of the Saskatchewan watershed.[50] The third report of this committee indicated that the Athabasca and Mackenzie valleys contained:

> ...The most extensive petroleum field in America, if not in the world. The uses of petroleum and consequently the demand for it by all nations are increasing at such a rapid ratio, that it is probable this great petroleum field will assume an enormous value in the near future and will rank among the chief assets comprised in the Crown Domain of the Dominion."[51]

Deposits of silver, copper, iron, asphaltum and other minerals were also mentioned. The committee also made some very optimistic comments concerning the viability of agriculture on a grand scale throughout the North, however these seem to have been part of the government propaganda of the time to convince potential settlers and businessmen that Canada had just as much room for future expansion and development as the United States whose potential had recently been receiving widespread public notice. Government officials, on the other hand, paid more attention to the cautious reports from the field, which admitted of the possibility of farming in some of the river valleys but were divided over whether or not the growing season on the prairies of the Peace River block was long enough.[52]

There can be little doubt that by about 1890 or 1891 the government had been convinced that the Peace, Athabasca, and Mackenzie regions contained great mineral wealth, but it is more difficult to estimate the rate at which they expected this wealth to be developed. As early as 1887 there were proposals for an extensive program of research on the oil territories of the Peace and Athabasca, which received the favourable consideration of the Director of the Geological Survey.[53] In the same year an application was made for a charter for a railroad from Churchill, through the Athabasca Tar Sands and the Peace River district to the Pacific Coast, to be accompanied by a pipeline to carry petroleum.[54] At the same time the Edmonton Bulletin was suggesting that the only thing that was holding up the development of the Athabasca and Mackenzie oil fields was the lack of railway communication.[55]

It would seem that in most of these optimistic plans for immediate development of the Athabasca Tar Sands, little consideration was given to the difficulties of extraction. It may have been assumed that where such huge quantities of tar sands existed there must also be large pools of conventional oil and gas which could be easily removed. Between 1894 and 1899, the Geological Survey conducted exploratory drilling "...at the mouth of the Pelican River and other places in the north, to test whether the tar sands in depth carried higher grade oil. They were found to carry only heavy oil and large accumulations of gas were also discovered."[56]

Whether the government considered mineral development to be an immediate prospect or merely a future possibility, by 1891 there was sufficient importance attached to the mineral wealth of the North that serious plans were made for signing a treaty with the Indians in the summer of 1892. The Privy Council Report authorizing the treaty clearly indicated that the government's primary motive was to extinguish the Indian title prior to the development of mineral resources and the construction of railways:

> On a report dated 7th of January, 1891, from the Superintendent General of Indian Affairs, stating that the discovery in the District of Athabasca and in the Mackenzie River Country, that immense quantities of petroleum exist within certain areas of these regions, as well as the belief that other minerals and substances of economic value, such as Sulfur, on the south coast of Great Slave Lake, and Salt, on the Mackenzie and Slave Rivers, are to be found therein, the development of which may add materially to the public wealth, and the further consideration that several railway projects, in connection with this portion of the Dominion, may be given effect to at no such remote date as might be supposed, appear to render it advisable that a treaty or treaties should be made with the Indians who claim those regions as their hunting grounds, with a view to the extinguishment of the Indian title in such portions of the same, as it may be considered in the interest of the public to open up for settlement. The Minister, after fully considering the matter, recommends that negotiations for a treaty be opened up during the ensuing season."[57]

The boundaries of this proposed treaty were somewhat different from those of the actual treaty of 1899 in that they excluded British Columbia but included larger areas of the present Northwest Territories and Province of Saskatchewan.

There is little on Department of Indian Affairs files to indicate why these plans lay dormant from 1892 until 1897 when the treaty was again discussed. On July 3, 1891 the Superintendent General of Indian Affairs wrote that "...before going any further in this matter, we had better wait to see whether the money will be voted or not."[58] Fumoleau suggests that the delay was due to the political instability that followed the death of Prime Minister Macdonald, and the fact that oil exploration proved to be slower than expected.[59]

During these intervening years (1891-1899) increasing interest was being shown in the Peace and Mackenzie regions, and the Department of Interior was receiving many requests for maps and geological information on the North. However, the Department attempted to discourage prospectors because of possible conflicts with the Indians and the poor results expected for gold mining:

> "...It has been thought advisable to discourage as far as possible any immigration into the districts around the Peace and Mackenzie Rivers and northern country generally. The inducement seems to be the presence of Gold; but probabilities are that the search for it will not be paying; they thereupon develop into hunters, traders and trappers and the result is already observable in the scarcity of game and if many more come in, the deplorable results will be even more evident in the starvation of the Indians." (letter from Wm. Pearce, Superintendent of Mines, March 19, 1893).[60]

A report of November 24, 1893 by Dr. Dawson, a geologist, indicated that prospectors could not expect to make profits so far from railways and,

> He (the prospector) usually combines trading with prospecting, disturbs the Indian population without doing it any good and annoys the H.B.C., and the missionaries who are the only representatives of law and order."[61]

The Deputy Minister of Interior agreed with this view and adopted the policy of discouraging prospectors.

While the government was discouraging individual gold prospectors, it was continuing its own prospecting for oil on Pelican River, apparently without concern for the fact that no treaty had been signed. A well was drilled at Pelican Rapids in 1894 with no success and a second well there in 1897 produced considerable gas, but little oil. Tests for petroleum at Athabasca Landing in 1894 received widespread attention. The Lieutenant-Governor of the N.W.T. referred to the tests when he opened the legislature on August 2, 1894, and predicted that if the tests proved successful Edmonton would become the centre of "vast oil-refining industries" with markets in British Columbia, California, Japan and China. The tests, however, were unsuccessful and in a speech to the legislature on September 29, 1896, the Lieutenant-Governor expressed disappointment but indicated that further tests would be made.[62]

While the federal government continued to be interested in the mineral resources of Athabasca, advances in transportation were rapidly opening the territory to frontiersmen of various sorts. These developments combined with effects of the Klondyke gold rush to produce within the settler communities of the prairies a strong interest in Northern hinterlands. Any other motives for signing a treaty were soon overshadowed by developments which were led not by the federal government but by the settlers and adventurers of the North West Territories.

By 1886 the Hudson's Bay Company had abandoned the old Methye Portage route to the Mackenzie River system in favor of a portage from Fort Pitt to Lac la Biche, and towards the end of the 1880's a wagon road was completed from Edmonton to Athabasca Landing. Coupled with the establishment of steamships on the Athabasca and Mackenzie in 1882, these transportation advances brought increasing numbers of white trappers, settlers and prospectors into the region.[63]

When gold was discovered in the Klondyke in 1896 miners started migrating towards the Yukon via the Pacific Coast. Because most of the miners and speculators were American and because the Yukon was not yet settled by Canadians, the Canadian government became concerned about establishing and maintaining its sovereignty over this rich area.

In 1896 and 1897 the North West Mounted Police sent men overland to the Yukon from Edmonton for the purpose of reporting on the feasibility of such an overland route. By this time the N.W.M.P. already had twenty men stationed in the Yukon for the purpose of maintaining law and order and asserting Canadian control over the area, but this was their first attempt to reach the Yukon through the Peace River region. Inspector Moodie, in his report on the expedition, noted that the Indians of the Finlay district were half starved and seeking assistance and characterized them as mischievous and vindictive. However, he impressed upon them "...the fact that the white men had the right to go anywhere through the country and hunt, trap, fish or dig for gold, also that their only chance of obtaining help was to behave well."[64]

Until 1897 the N.W.M.P. had restricted its role in the District of Athabasca to maintaining outposts at three locations on Athabasca River for the purpose of controlling trade (particularly the liquor trade) into the region. However, for several years previously, they had been made aware of the Indians' deep and growing bitterness over the indiscriminate and illegal use of poison traps by white and half-breed trappers. According to one police report the Indians felt it unjust "...that people who are not owners of the country are allowed to rob them of their living."[65] Other reports suggested that the use of poison was unknown before the advent of white men[66] and that the Indians were prepared to "do some shooting" unless something was done immediately to bring the situation under control.[67]

In order to enforce the prohibition of poison traps as well as to look into the problems of destructive forest fires and the liquor trade, the N.W.M.P., beginning in

January 1897, made annual winter patrols to Lake Athabasca, Great Slave Lake and parts of the Peace River region. Most of this law enforcement (under the North West Territories Act) was directed against whites and half-breeds rather than Indians, and in fact the Indians were apparently pleased with the action taken to reduce the use of poison.[68] However, these patrols were also concerned with prohibiting Indians and non-Indians from hunting buffalo, in accordance with "An Act for the Preservation of Game in the Unorganized Portions of the Northwest Territories of Canada" which was passed on July 3, 1894 and came into force on January 1, 1896. It would appear that the buffalo regulations were the only regulations enforced against Indian people prior to Treaty 8.

This extension of government administration to an area which had not been ceded by treaty was defended by D.H. MacDowell, a Member of Parliament, on April 30, 1894:

> As to the legal right of the Government in prohibiting the Indians and Half-breeds catching fish out of season, or killing game out of season, I believe that by a recent decision of the Imperial Privy Council, which was given about 14 months ago, they have every legal right to do this; that there is no necessity for the government to make a Treaty with Indians, or anybody else; that the treaties made have been merely to bring about a peaceful, happy and speedy conclusion of the entry of whites into lands formerly occupied by Indians, but that the Privy Council have decided one for all that the whole North West of Canada belongs to Her Majesty, that it is her property, and that she has absolute rights to do whatever she wishes. And in consequence, if Her responsible advisors recommend Her to prohibit fishing and shooting out of season, even though treaty has (not) been made with the Indians, it is a perfectly justifiable and legal act.[69]

North West Mounted Police reports seem to indicate that in some cases Indians willingly complied with the buffalo regulations while in other cases violations occurred and Indians were convicted.[70]

The real problems of law and order occurred in 1897 and 1898 with the Klondyke gold rush. The invasion of miners was unlike anything the North had seen and resulted in many conflicts with the Indian people. It is estimated that over 2,000 Klondykers set out from Edmonton via every conceivable river route to the Yukon, but few reached their destination.[71] Charles Mair, a member of the 1899 half-breed commission described the situation:

> The gold seekers plunged into the wilderness of Athabasca without hesitation, and without as much as 'by your leave' to the native. Some of these marauders, as was to be expected, exhibited a congenital contempt for the Indians' rights. At various places his horses were killed, his dogs shot, his bear-traps broken up. An outcry arose in consequence, which inevitably would have led to reprisals and bloodshed had not the Government stepped in and forestalled further trouble by a prompt recognition of the natives' title.[72]

Clearly, the activities of the Klondykers and of the white trappers had exploited the Indians' acceptance of strangers and had violated their sense of justice. The Indians may have welcomed any newcomers who 'behaved' and who did not threaten their way of life, but these newcomers were not behaving decently and were threatening an already precarious existence. A sign of serious Indian resistance came in June, 1898, when 500 Indians at Fort St. John refused to allow police and miners to pass through the area until a treaty was signed. They protested that some of their horses had been shot and that the influx of so many men would drive away fur-bearing animals.[73]

A gold rush is a very unpredictable phenomenon. It was difficult for the government of the day to estimate the number of miners who would venture north from Edmonton, because news of such gold finds could spread rapidly and out of all proportion to the actual profits being made by miners. Evidence that the government expected a rush of large proportion and of greater duration comes from the fact that in 1897 and 1898 it gave serious consideration to the construction of various overland routes to the Yukon. At first the government did not want to encourage prospectors to take the difficult and largely unproven overland route and in 1897 sent a detachment of N.W.M.P. to explore the route.[74] Meanwhile it was under considerable pressure to develop the route, and several companies submitted applications for the construction contract, including one plan to establish station houses every 10 to 12 miles along the route.[75]

Most of the pressure for an overland route came from communities of the Western interior which hoped to profit in the trade for supplies and gold with the Klondykers. Resolutions of support came from the London Board of Trade, Regina Town Council, City of Winnipeg, the Legislative Assembly of the North West Territories, the Town of Edmonton and various individuals.[76] The resolution of the

Legislative Assembly of the N.W.T. on November 11, 1897 is typical of these resolutions and indicates the type of pressure being exerted:

> That whereas the farmers, ranchers, manufacturers and merchants of the Dominion of Canada are losing almost the entire present trade of the gold fields in the Yukon and adjacent districts for want of an overland all Canadian route to that part of the North West Territories. AND WHEREAS, until an all Canadian overland route suitable for wagons (and telegraph line) is opened from east of the Rocky Mountains, this same state of affairs will continue to a greater or less degree. AND WHEREAS, it has been demonstrated that an easy and cheaply built route is available via Edmonton, Peace River, and on to the Pelly Banks, pronounced by authorities to be very rich in minerals, and which would also open up for settlement a fine agricultural and ranching district. RESOLVED, that, in the opinion of this HOUSE, it is desirable that the above mentioned route should be opened by the Dominion Government with the least possible delay.[77]

By the spring of 1899 the North West Territories government had constructed 350 miles of this route out of a $15,000 grant from the Dominion government.[78]

The Department of Indian Affairs first realized the importance of signing a treaty with Indians occupying the proposed overland route as a result of a report by James Walker formerly of the North West Mounted Police in November, 1897, who warned:

> From all appearance there will be a rush of miners and others to the Yukon and the mineral regions of the Peace, Liard and other rivers in Athabasca during the next year ...others intend to establish stopping places, trading posts, transportation companies and to take up ranches and homesteads in fertile lands of the Peace River.... They (the Indians) will be more easily dealt with now than

> they would be when their country is overrun with prospectors and valuable mines be discovered.[79]

In December, 1897, a similar report was received from the Commissioner of the North West Mounted Police and was forwarded to the Commissioner of Indian Affairs with a request that he should "...report fully in the matter in time to admit of provision being made at the next session of Parliament for the expense of making a treaty should the same be decided upon."[80] The Commissioner agreed that a treaty should be made and cabinet approval was granted on June 27, 1898.

Aside from conflicts between miners en route to the Yukon and the Indian people, the government was also concerned that the gold rush would open other areas of the North to both mining and agriculture. Throughout the 1890's the Department of Interior had been discouraging settlement of the Peace River district but it was apparent that the gold rush was forcing a change in that policy. In 1900 the Deputy Minister of Indian Affairs gave a detailed explanation of why Treaty 8 had been signed:

> Although there was no immediate prospect of any such invasion by settlement as threatened the fertile belt in Manitoba and the Northwest Territories and dictated the formation of treaties with the original owners of the soil, none the less occasional squatters had found their way at any rate into the Peace River district.
>
> While under ordinary circumstances the prospect of any considerable influx might have remained indefinitely remote, the discovery of gold in the Klondyke region quickly changed the aspect of the situation. Parties of white men in quest of a

> road to the gold fields began to traverse the country, and there was not only the possibility ahead of such travel being greatly increased, but that the district itself would soon become the field of prospectors who might at any time make some discovery which would be followed by a rush of miners to the spot. In any case the knowledge of the country obtained and diffused, if only by people passing through it, could hardly fail to attract attention to it as a field for settlement. For the successful pursuance of that humane and generous policy which has always characterized the Dominion in its dealings with the aboriginal inhabitants, it is of vital importance to gain their confidence at the outset, for the Indian character is such that, if suspicion or distrust once be aroused, the task of eradication is extremely difficult. For these reasons it was considered that the time was ripe for entering into treaty relations with the Indians of the district, and so setting at rest the feeling of uneasiness which was beginning to take hold of them, and laying the foundation for permanent, friendly and profitable relations between the races.[81]

There was still some scepticism about agriculture being viable, especially without railways, but the gold rush brought a number of adventurers who were unwilling to await government approval to pioneer. Any widespread settlement prior to treaty probably would have created many administrative and legal problems because the Dominion Lands Act of 1872 did not apply to territory where the Indian title had not be extinguished.[82] The longer the treaty was delayed the more squatters claims there would have been to deal with when the land did come under the Act.

Summary

An attempt to gain from archival sources an appreciation for the social context of the Treaty 8 negotiations requires some attempt at determining how the Indian people might have perceived the treaty in relation to recent changes in their environment and in relation to their cultural ecology at the time. Although anthropological and historical research on the aboriginal and fur trade ecology of the study area is not extensive, the foregoing review of the literature does provide the basis for a tentative analysis. In combination with our research on primary materials of the immediate pre-treaty period this literature does provide us with a sketch of the historical background to the treaty.

The recent work by Ray[83] and Foster[84] on the fur trade in what is now the prairie provinces has tended to discredit many popular conceptions about the Indian's role in the trade. In particular, the view that the Indian people, acting out of ignorance of the fur trade economy, bartered away rich furs for trinkets and alcohol is not supported by their research. Instead a picture emerges of a people who welcomed the substantial material benefits of the trade, adopted European culture on a very selective basis and retained virtually unrestricted access to natural resources. The establishment and development of the fur trade certainly had all of the characteristics of a metropolis/hinterland structure. The communities of Indians of the Athabasca hinterland were greatly affected by changes in the structure of metropolitan markets, company policies and competition between companies. However, the Indians retained a large degree of cultural and economic independence.

Prior to the treaty, the Indians had no direct experience of land as a commodity, to be bought and sold. They were dependent on wildlife and fish and did have considerable experience, through the fur trade, of rights to control, buy and sell animals. If, through the treaty negotiations, they sought to protect their way of life and their access to natural resources, we assume that it would have been expressed primarily as a demand for control of wildlife resources rather than in terms of land rights under Canadian law.

Unlike the introduction of the fur trade, the influx of mineral prospectors and settlers violated the Indians' understanding of their territorial rights and provoked open hostility. These newcomers were seeking direct access to natural resources, had no need of Indian labour and therefore no need to respect Indian culture or property. Indian society was organized in family units and small loosely organized bands. Concerted action against the newcomers throughout the entire region would have been difficult if not impossible to achieve. Furthermore, the Indian people were not experienced at asserting territorial rights and may have been more inclined towards seeking some means of controlling the behaviour of the newcomers rather than seeking to exclude them. The treaty may have been seen as an instrument which could be used for that purpose.

Finally, the Indians were undoubtedly aware to some extent, that the Hudson's Bay Company represented a declining power and the Queen an ascending power in their country. Social services formerly provided by the Company and the missions were gradually becoming a government responsibility and the rumours of treaty would have further emphasized this transfer, particularly because a few of the Indians of the Lesser Slave Lake area had migrated from the Edmonton area and would have been aware of the significance of a treaty in this regard. The treaty may have been seen as an opportunity to ensure that the government's generosity would be at least equivalent to that of the Company and the missions.

The Government of Canada was not anxious to enter into treaty negotiations. However, there was little that could be done to prevent the region from being opened up by enterprising frontiersmen and the government recognized its responsibility to maintain law and order. Furthermore, the settler communities of the prairies were not content to wait for the federal bureaucracy or the Eastern metropolitan business interests to perceive an interest in the opening of the North. They were quick to perceive their own interests in the development of this hinterland and demanded federal government cooperation.

CHAPTER THREE

THE NEGOTIATION OF TREATY 8

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Prelude to the Treaty

The federal government had good reason to postpone the negotiation of treaties in the North until the actual settlement of particular areas or major development of natural resources seemed imminent. The treaties with the prairie Indians had proven to be more costly than anticipated and at the same time far from successful in their aim of providing the Indians with the means to adapt to an agricultural economy. There were fears that a northern treaty might encourage Indians to abandon the difficult life of hunters and trappers in favour of dependence on government provisions.

Pre-treaty correspondence of the Department of Indian Affairs reflects a strong emphasis on the need for peace and friendship between the native people and settlers and miners. The Order in Council setting up the commission for Treaty 8 reflects this concern:

> On a report dated 30th November, 1898, from the Superintendent General of Indian Affairs...it was set forth that the commissioner of the North West Mounted Police had pointed out the desirability of steps being taken for the making of a treaty with the Indians occupying the proposed line of route from Edmonton to Pelly River; that he had intimated that these Indians, as well as the Beaver Indians

> of the Peace and Nelson Rivers, and the Sicamas and Nihamas Indians, were inclined to be turbulent and were liable to give trouble to isolated parties of miners or traders who might be regarded by the Indians as interfering with their vested rights; and that he had stated that the situation was made more difficult by the presence of numerous travellers who had come into the country and were scattered at various points between Lesser Slave Lake and Peace River.[1]

When it became apparent that the treaty could not be signed in 1898 as planned but would have to wait until the summer of 1899, the government distributed public notices throughout the proposed treaty area, setting the dates for the meetings in the following year. This notice included the phrase, "...it is deemed advisable to include within the said treaty the extinguishment of their title to the lands...."[2] Missionaries and members of the N.W.M.P. distributed the notice and answered questions to the best of their ability. As a result of their discussions with the Indians, missionaries began to report to the government that the Indians were inclined to refuse treaty and to oppose settlement, due to their fear that they would lose their hunting, fishing and trapping rights.[3]

Part of the government's response to this resistance was to persuade Father Lacombe and other missionaries to help in the negotiations. The assistance they gave in persuading the Indians to accept the treaty is discussed in a later section of this chapter.

In addition to seeking Lacombe's aid, the government also saw the need for giving the Indians some assurances that they would not be greatly affected by the treaty. On January 25, 1899, in reply to a missionary who had been unable to answer certain questions from the Indians, the Superintendent General of Indian Affairs, Clifford Sifton, wrote:

> The game and fishery laws will, of course, apply to the country; but as the manner and extent of their enforcement must necessarily depend upon conditions of settlement etc., there is not likely to be any marked change on account of the making of treaty. There will be reserves set aside for the Indians and in doing so everything possible will be done to meet their wishes as to the selection of localities. There is no general prohibition in consequence of the treaty of the freedom of the Indian in roaming and hunting over the country. Of course when settlement advances there will be the restriction which necessarily follows, and it is to meet such contingencies that reserves are set aside.[4]

Sifton was indicating that the Indians of Treaty 8 would be subject to the same legal restrictions as Indians of previous treaties, but that the effect of these restrictions would be minimal, due to less white settlement. In reply to another inquiry, David Laird, Lieutenant Governor of the Territories and Treaty 8 Commissioner, also indicated that restrictions would be necessary, not so much as a result of settlement as for conservation, for the Indians' benefit:

> You may explain to them that the Queen or Great Mother while promising by her Commissioners to give them Reserves, which they can call their own, and upon which whitemen will not be allowed to settle without payment and the consent of the Indians before a Government officer, yet the

> Indians will be allowed to hunt and fish all over the country as they do now, subject to such laws as may be made for the protection of game and fish in the breeding season; and also so long as the Indians do not molest or interfere with settlers, miners or travellers. These restrictions and laws however are not peculiar to Treaty Indians; whitemen, half-breeds and Indians who do not take Treaty, will not be allowed by the Great Mother to disturb or hurt any of her children whatever be their colour. It should likewise be remembered that laws for preventing game from being destroyed in the breeding season are rather for the benefit of the Indians than of the whitemen, as the whitemen live more on farm products than on game.[5]

During this period between the summer of 1898 when the treaty notice came out and the following summer when the treaty was made, the Indians made it quite clear (through missionaries, traders and policemen who acted as intermediaries) that they would not favour a treaty unless they were assured that their way of life would not be restricted. The government strove to correct the 'misleading reports' that were circulating to the effect that if Indians took treaty they would lose their hunting, fishing and trapping rights.

It would appear that at least one of the commissioners, J.A. McKenna, was still worried that opposition to reserves and the fear of losing their hunting grounds could lead the Indians to reject the treaty. In a long memo to the Superintendent General of April 17, 1899 he made a final effort to have the reserve system scrapped on the grounds that Indians of the North lived as individuals and their hunting grounds would not be required for settlement:

> From the information which has come to hand it would appear that the Indians who we are to meet fear the making of a treaty will lead to their being grouped on reserves. Of course, grouping is not now contemplated; but there is the view that reserves for future use should be provided for in the treaty. I do not think this is necessary...it would appear that the Indians there act rather as individuals than as a nation.... They are adverse to living on reserves; and as that country is not one that will be settled extensively for agricultural purposes it is questionable whether it would be good policy to even suggest grouping them in the future. The reserve idea is inconsistent with the life of a hunter, and is only applicable to an agricultural country.[6]

This statement is significant not only in showing the origins of the 'reserves in severalty' policy but also in demonstrating that the government expected that the Indians would continue to make their living on the 'unoccupied land' of the North. In the same memo McKenna went so far as to suggest that less compensation was required for these lands than for previous treaty lands because "...There is no urgent public need of its acquirement." He also proposed that annuities be abolished for this treaty.

What McKenna wanted was a 'slimmed down' version of the usual treaty. The Indians would be giving up less, although their title would still be extinguished, and therefore the government should not have to assume the same responsibilities as in previous treaties.

This proposal appears to have been partially accepted by Sifton. In a letter of May 12, 1899 to Laird, McKenna, and Ross he stated the government's position:

> The Government has considered the policy to be adopted and has concluded that it is best to proceed upon the usual lines of providing for the payment of annuities to the Indians, and money will be provided so as to enable the first payment of the annuity to be made as well as the gratuity. It is, of course, understood that an additional payment will be made to the Chiefs and headmen.
>
> As to reserves, it has been thought that the conditions of the North country may make it more desirable to depart from the old system, and if the Indians are agreeable to provide land in severalty for them to the extent of 160 acres to each, the land to be conveyed with a proviso as to non-alienation without the consent of the Governor General in Council. Of course, if the Indians prefer Reserves you are at liberty to undertake to set them aside. The terms of the treaty are left to your discretion with this stipulation that obligations to be assumed under it shall not be in excess of those assumed in treaties covering the North West Territories.[7]

Evidence of the Indians' reluctance to sign a treaty at least made the government aware of the difficulties that would be encountered in attempting to apply the standard 'prairie' treaty to the North. However, due to the Department's lack of knowledge of the northern Indians or the extent of claims they were likely to put forward,[8] Sifton was content merely to propose the new policy of reserves in severalty and to leave the other terms of the treaty to the discretion of the commissioners rather than attempt to formulate a radically different sort of treaty for the area, prior to negotiations. In his analysis of these instructions from Sifton, Fumoleau has suggested that the discretionary powers meant only that Indians may be led to accept cheaper conditions than previously.[9] However, this directive to minimize obligations if possible, appears to have been based on the assumption that the Indians of Treaty 8 were not being required to give up the use of most of their land as the Indians of previous treaties had been required to do.

The considerations that went into defining the boundaries of Treaty 8 were primarily those of insuring the inclusion of areas likely to be opened up by miners or settlers, or to be passed through by large numbers of miners and settlers; minimizing expenses and obligations of the government; and restricting the area to ~~that~~ which might be reached in one summer by the Commissioners.

For these reasons large areas of the present N.W.T. (up to 63° latitude) which had been included in maps of the proposed treaty of 1891 were omitted in 1899, except for the area south of Great Slave Lake which was the site of considerable mining interest. All of British Columbia lying east of the Rocky Mountains was added to the earlier proposal because it was on the route to the Klondyke and because the mountains were a natural dividing line between Indian bands.[10]

It is interesting to note that all maps and descriptions of the treaty area in 1899 as well as in the 1891 proposals included the portion of the Rocky Mountains lying to the west of Treaty 6 and stretching as far south as the northern boundary of Treaty 7.[11] However, in the various discussions of the proposed treaty area there does not appear to have been any mention of why this area was included in Treaty 8.

The public notice sent out in 1898 indicated that Fort Smith would be the most northerly meeting point for the negotiations. However, in May of 1899 Sifton informed the Commissioner that "In view of the reported mining development in the Great Slave Lake region it is important that the treaty should be extended to embrace that country if at all possible." It was left to the Commission finally to decide on the treaty area,[12] and it was not until after their first meeting at Lesser Slave Lake that it was decided to make 'adhesions' at all of the other points rather than to negotiate several treaties.[13]

Finally, it was also decided that because many 'halfbreeds' lived a very similar life to that of the Indians and would desire to be treated as Indians, the Commission would be empowered to offer the treaty to such halfbreeds.[14] Delegated with this discretionary power over the terms and the area of the treaty and carrying the knowledge that the Indians were reluctant to sign treaty, the commissioners opened negotiations with the Indians, on June 20, 1899 at Lesser Slave Lake.

The Treaty at Lesser Slave Lake

The Treaty 8 Commission and the Halfbreed Commission travelled together from Edmonton to the West end of Lesser Slave Lake (near the present site of Grouard) for the first meeting to negotiate the treaty and issue scrip. Due to bad weather conditions and problems in transportation, they did not arrive until June 19, eleven days late. However, Commissioner Ross who had arrived on about June 6, assured the native people that the other commissioners and Father Lacombe were on their way. In the intervening days Ross visited the assembled Indians to explain the purpose of the treaty[15] and asked them to elect a chief and headmen to speak for them.[16] Kinoosayoo was chosen chief and the four headmen were Moostoos, Felix Giroux, Weecheewaysis and Charles Neesuetasis. Aside from these five from the Lesser Slave Lake area, one headman from Sturgeon Lake, 'Captain', attended as an observer and signed the treaty, although his band was not present and did not sign an adhesion until the following summer.

Once the Commissioners had arrived the first meeting was arranged for the following day, June 20. Charles Mair, Secretary of the Halfbreed Commission made brief notes on the discussions and later published these as part of a book on the treaty expeditions.[17] A correspondent for the Edmonton Bulletin also wrote several articles on the meetings, for the paper.[18] One of the earliest missionaries of the area, Bishop Grouard, also included brief references to the meetings in a book on his life in the north.[19] In addition to these incomplete records of the proceedings there are several reports by the commissioners which do not attempt to reconstruct the dialogue but do provide summaries of the agreements, as they saw them. Other eyewitnesses signed affidavits concerning the meetings when a controversy arose over the treaty provisions in 1937.

However, all of these archival sources record the negotiations from the point of view of government officials, missionaries, traders and other non-Indians, and in many cases clearly reflect the interests of the author. In order to balance this perspective with an Indian view of the treaty we must rely upon oral evidence given by Indian elders in recent years. A few of these elders were eye-witnesses to the negotiations and many others have received stories of the negotiations from their parents and grand-parents who were direct participants.

The Edmonton Bulletin described the setting of the first meeting as follows:

> After the detachment of police had gone through their little manoevers they lined up in front of their large tent where the commission sat, presented arms and retired. The chief and his band then came forward and sat down in no particular rotation, but as indifferently as possible with this exception, the chief and councilmen to the front and minor lights to the rear. They were given a short spell to look the "great chiefs" over, which they did, and when their gaze wandered away to the hills... Commissioner Laird addressed them. He said among other things, that as "they were here for a peaceful meeting a piece of tobacco would be given each for a friendly smoke." The T & B was passed around and after they had all filled up their pipes the commissioner proceeded.[20]

William Okeymaw, an 87 year old Cree from Sucker Creek tells us how the same scene appeared to him, a young boy at the time:

> I was about 12 years old and we travelled by foot or boat then we walked the rest of the way. When we arrived the commissioners were already prepared, along side them were about 22 North West Mounted Police troops, I was frightened because I was only a child, I even held my Dad's hand I was so scared. That is one thing I have in me is a long memory, I can recall many things of long ago. I can recall a huge tent at the time with many people all around it. They were from many places far and near but they travelled for that special day, the treaty. They discussed it for three days to find out how it would work best, how the Indian would make his living when he accepted treaty.[21]

The commissioners appointed Albert Tate and Samuel Cunningham as interpreters and told the meeting that Cunningham would represent the Indians and that the two men would check each others work.[22] Also present were three Catholic missionaries (Father Lacombe, Bishop Grouard and Father Falher) and three Anglican missionaries.

Laird, after introducing the members of his commission, spoke for about an hour. Mair gives the most complete account of his opening speech:

> I have to say, on behalf of the Queen and the Government of Canada, that we have come to make you an offer. We have made treaties in former years with all the Indians of the prairie, and from there to Lake Superior. As white people are coming into your country, we have thought it well to tell you what is required of you. The Queen wants all white, half-breeds and Indians to be at peace with one another, and to shake hands when they meet. The Queen's laws must be obeyed all over the country, both by the whites

and the Indians. It is not alone that we wish to prevent Indians from molesting the whites, it is also to prevent the whites from molesting or doing harm to the Indians. The Queen's soldiers are just as much for the protection of the Indians as for the white man.

The Commissioners made an appointment to meet you at a certain time, but on account of bad weather on river and lake, we are late, which we are sorry for, but are glad to meet so many of you here today.

We understand stories have been told you, that if you made a treaty with us you would become servants and slaves; but we wish you to understand that such is not the case, but that you will be just as free after signing a treaty as you are now. The treaty is a free offer; take it or not, just as you please. If you refuse it there is no harm done; we will not be bad friends on that account. One thing Indians must understand, that if they do not make a treaty they must obey the laws of the land - that will be just the same whether you make a treaty or not; the laws must be obeyed. The Queen's Government wishes to give the Indians here the same terms as it has given all the Indians all over the country, from the prairies to Lake Superior. Indians in other places, who took treaty years ago, are now better off than they were before. They grow grain and raise cattle like the white people. Their children have learned to read and write.

Now, I will give you an outline of the terms we offer you. If you agree, to take treaty, every one this year gets a present of $12.00. A family of five, man, wife and three children, will thus get $60.00; a family of eight, $96.00; and after this year, and for every year afterwards, $5.00 for each person forever. To such chiefs as you may select, and that the Government approves of, we will give $25.00 each year, and the counsellors $15.00 each. The chiefs also get a silver medal and a flag, such as you see now at our tent, right now as soon as the treaty is signed. Next year, as soon as we know how many chiefs there are, and every three years thereafter, each chief will get a suit of clothes, and every counsellor a suit, only not quite so good as that of the chief. Then, as the white men are coming in and settling in the country, and as the Queen wishes the Indians to have lands of their own, we will give one square mile, or 640 acres, to each family of five; but there will be no compulsion to force Indians to go into a reserve. He who does not wish to go into a band can get 160 acres of land for himself, and the same for each member of his family. These reserves are holdings you can select when you please, subject to the approval of the Government, for you might select lands which might interfere with the rights or lands of settlers. The Government must be sure that the land which you select is in the right place. Then, again, as some of you may want to sow grain or potatoes, the Government will give you ploughs or harrows, hoes, etc., to enable you to do so, and every spring will furnish you with provisions to enable you to work and put in your crop. Again, if you do not wish to grow grain, but want to raise cattle, the Government will furnish you with ammunition for your hunt, and with twine to catchfish. The Government will also provide schools to teach your children to read and write, and do other things like white men and their children. Schools will be established where there is a sufficient number of children. The Government will give the chiefs axes and tools to make houses to live in and be comfortable. Indians have been told that if they make a treaty they will not be allowed to hunt and fish as they do now. This is not true. Indians who take treaty will be just as free to hunt and fish all over as they now are.

In return for this the Government expects that the Indians will not interfere with or molest any miner, traveller or settler.

We expect you to be good friends with everyone, and shake hands with all you meet. If any whites molest you in any way, shoot your dogs or horses, or do you any harm, you have only to report the matter to the police, and they will see that justice is done to you. There may be some things we have not mentioned, but these can be mentioned later on. Commissioners Walker and Cote are here for the half-breeds, who later on, if treaty is made with you, will take down the names of half-breed and their children, and find out if they are entitled to scrip. The reason the Government does this is because the half-breeds have Indian blood in their veins, and have claims on that account. The government does not make treaty with them, as they live as whitemen do, so it gives them scrip to settle their claims, at once and forever. Half-breeds living like Indians have the chance to take the treaty instead, if they wish to do so. They have their choice, but only after the treaty is signed. If there is no treaty made, scrip cannot be given. After the treaty is signed, the Commissioners will take up half-breed claims.[23]

Laird concluded with a brief outline of the Metis scrip provisions and by indicating that at the end of the meeting everyone would get flour, bacon, tea and tobacco as a free gift from the Queen whether a treaty was made or not. He summed up the government's position by saying "...the Queen owns the country, but is willing to acknowledge the Indian's claims, and offers them terms as an offset to all of them"; and then he asked the Indians to speak.[24]

The Indians were hesitant about the terms set forth by Laird. Kinoosayoo began:

> You say we are brothers. I cannot understand how we are so. I live differently from you. I can only understand that Indians will benefit in a very small degree from your offer. You have told us you come in the Queen's name. We surely have also a right to say a little as far as that goes [Here he paused to get an explanation of the provision of clothes every three years, then continued]. Do you not allow the Indians to make their own conditions, so that they may benefit as much as possible? Why I say this is that we to-day make arrangements that are to last as long as the sun shines and the water runs. Up to the present I have earned my own living and worked in my own way for the Queen. It is good. The Indian loves this way of living and his free life. When I understand you thoroughly I will know better what I shall do. Up to the present I have never seen the time when I could not work for the Queen, and also make my own living. I will consider carefully what you have said.[25]

Moostoos followed with a brief speech favourable towards a treaty:

> Often before now I have said I would carefully consider what you might say. You have called us brothers. Truly I am the younger, you the elder brother. Being the younger, if the

> younger asks the elder for something, he will grant his request the same as our mother the Queen. I am glad to hear what you have to say. Our country is getting broken up. I see the white man coming in, and I want to be friends. I see what he does, but it is best that we should be friends. I will not speak any more. There are many people here who may wish to speak.[26]

Others indicated that they were also hesitant and wanted more time to discuss the proposal:

> Wahpeehayo (White Partridge): I stand behind this man's back (pointing to Kinoosayo). I want to tell the Commissioners there are two ways, the long and the short. I want to take the way that will last longest.[27]

The Captain, an old man from Sturgeon Lake, then indicated that although he did not have his family with him he would accept the government's offer on behalf of all the people in his part of the country:

> I am old now. It is indirectly through the Queen that we have lived. She has supplied in a manner the sale shops through which we have lived. Others may think I am foolish for speaking as I do now. Let them think as they like. I accept. When I was young I was an able man and made my living independently. But now I am old and feeble and not able to do much.[28]

Commissioner Ross then rose to answer some of the points raised:

> Kinoosayo has said that he cannot see how it will benefit you to take treaty. As all the rights you now have will not be interfered with, therefore anything you get in addition must be clear gain. The whiteman is bound to come in and open up the country, and we come before him to explain the relations that must exist between you, and thus

> prevent any trouble. You say you have heard what the Commissioners have said, and how you wish to live. We believe that men who have lived without help heretofore can do it better when the country is opened up. Any fur they catch is worth more. That comes about from competition. You will notice that it takes more boats to bring in goods to buy your furs than it did formerly. We think that as the rivers and lakes of this country will be the principal highways, good boatmen, like yourselves, cannot fail to make a good living, and profit from the increase in traffic. We are much pleased that you have some cattle. It will be the duty of the Commissioners to recommend the Government, through the Superintendent-General of Indian Affairs, to give you cattle of a better breed. You say that you consider that you have a right to say something about the terms we offer you. We offer you certain terms, but you are not forced to take them. You ask if Indians are not allowed to make a bargain. You must understand there are always two to a bargain. We are glad you understand the treaty is forever. If the Indians do as they are asked we shall certainly keep all our promises. We are glad to know that you have got on without any one's help, but you must know times are hard, and furs scarcer than they used to be. Indians are fond of a free life, and we do not wish to interfere with it. When reserves are offered you there is no intention to make you live on them if you do not want to, but, in years to come, you may change your minds, and want these lands to live on. The half-breeds of Athabasca are being more liberally dealt with than in any other part of Canada. We hope you will discuss our offer and arrive at a decision as soon as possible. Other are now waiting for our arrival, and you, by deciding quickly, will assist us to get to them.[29]

This picture of post-treaty life in which Indians would remain free and independent but with government assistance to fall back on, and the prospect of greater opportunities in the fur trade, seem to have been responsible for removing many of the Indians' doubts. Wehtigo, followed by several others, made short speeches accepting the treaty.[30]

Kinoosayo asked for and received assurances that the treaty would be good forever and that the government would be "...willing to give means to instruct children as long as the sun shines and water runs, so that our children will grow up increasing in knowledge."[31]

Father Lacombe then spoke in Cree, urging the Indians to accept the treaty. He emphasized his knowledge of treaty benefits that had accrued to the prairie Indians to the south and insisted that he would have no part in a treaty which was not in the Indians' best interests. "Your forest and river life will not be changed by the Treaty, and you will have your annuities, as well, year by year, as long as the sun shines and the earth remains. Therefore I finish my speaking by saying, Accept."[32]

Laird then asked people to indicate acceptance by standing, but before the interpreter had even finished interpreting this, a native named "Jerou" (possibly Giroux) jumped up and threatened to club any man who failed to stand up. Everyone arose amid laughter and the meeting adjourned for the day.[33]

That evening the Commission met to draw up the treaty document to be presented to the Indians the next day. It seems plausible that the wording of this draft was based on the wording of Treaty 7 (1877) which was the last previous Indian treaty and which Laird had been involved in negotiating. However, there are several differences between the written terms of Treaty 7 and Treaty 8, and these differences appear to reflect, in part, a recognition that the Indians of the North might wish to continue traditional economic activities such as hunting, fishing and trapping, and to resist being restricted to reserve land.

Whereas Treaty 7 refers to the protection of the Indians' "vocations of hunting" and other prairie treaties refer to "hunting and fishing", Treaty 8 refers to the "...right to pursue their usual vocations of hunting, trapping and fishing throughout the tract surrendered as heretofore described, subject to such regulations as may from time to time be made by the Government of the country, acting under the authority of Her Majesty, and saving and excepting such tracts as may be required or taken up from time to time for settlement, mining, lumbering, trading or other purposes."[34]

And whereas previous treaties had provided reserves of one square mile for every family of five, Treaty 8 provided:

> ...reserves for such bands as desire reserves, the same not to exceed in all one square mile for each family of five for such number of families as may elect to reside on reserves, or in that proportion for larger or smaller families; and for such families or individual Indians as may prefer to live apart from band reserves, Her Majesty undertakes to provide land in severalty to the extent of 160 acres to each Indian.[35]

In the field of education, both Treaty 7 and Treaty 8 committed the government to pay the salaries of such teachers of Indian children as the government may deem advisable. However, unlike Treaty 7, Treaty 8 does not require that a band take up reserve land before this provision is implemented. The official report of the commissioners indicates that over and above this clause of the treaty, certain verbal assurances of education rights were necessary:

> As to education, the Indians were assured that there was no need of any special stipulation, as it was the policy of the Government to provide in every part of the country, as far as circumstances would permit, for the education of Indian children, and that the law, which was as strong as a treaty, provided for non-interference with the religion of the Indians in schools maintained or assisted by the Government.[36]

Treaty 8 provided the same tools for each band as Treaty 7, provided that the band took a reserve. The provisions for stock and implements were similar, although not identical for the two treaties. Treaty 8 provided that each band that selected a reserve and cultivated the soil would receive:

> ...two hoes, one spade, one scythe and two hay forks for every family so settled, and for every three families one plough and one harrow, and to the Chief, for the use of his Band, two horses or a yoke of oxen, and for each Band potatoes, barley, oats and wheat (if such seed be suited to the locality of the reserve), to plant the land actually broken up, and provisions for one month in the spring for several years while planting such seeds; and to every family one cow, and every Chief one bull, and one mowing machine and one reaper for the use of his Band when it is ready for them; for such families as prefer to raise stock instead of cultivating the soil, every family of five persons, two cows, and every Chief two bulls and two mowing machines when ready for their use, and a like proportion for smaller or

> larger families. The aforesaid articles, machines and cattle to be given one for all for the encouragement of agriculture and stock raising; and for such Bands as prefer to continue hunting and fishing, as much ammunition and twine for making nets annually as will amount in value to one dollar per head of the families so engaged in hunting and fishing.[37]

It is worth noting that Treaty 7, foreseeing that ammunition might in the future become comparatively unnecessary, provided that ammunition money could be used for other purposes. By contrast, in referring to the choice between farming implements, stock and hunting and fishing provisions, the Treaty 8 commissioners concluded that farming by Indians was not likely, stock raising would likely be restricted to the Lesser Slave Lake and Peace River areas and,

> In the main the demand will be for ammunition and twine, as the great majority of the Indians will continue to hunt and fish for a livelihood.... it is safe to say that so long as the fur-bearing animals remain, the great bulk of the Indians will continue to hunt and to trap.[38]

Treaty 8, like Treaty 7, neglected to mention any provision for medicine and medical services. Nor did the written terms of Treaty 8 give any indication that the government would take over other social services previously provided by the Hudson's Bay Company and missionaries. However, again the report of the commissioners indicates that they made significant verbal commitments in these areas.

The second day of the negotiations (June 21, 1899), at

Lesser Slave Lake, began with Laird reading this treaty which had been drafted the previous evening. Although the meeting the previous day apparently had concluded with a consensus on the terms of the treaty, once this document was read aloud a number of Indians (particularly some of the young Indians)[39] raised further objections and reservations about the terms. According to Mair's account, Kinoosayo and Moostoos assented to the terms but the dissent among others appeared to present a serious threat to the signing of the treaty and was only overcome by a lengthy discussion.[40] Little of this discussion was recorded but the report of the commissioners refers to some of the major concerns of the Indian people and the promises that were made to overcome them:

> Our chief difficulty was the apprehension that the hunting and fishing privileges were to be curtailed. The provision in the treaty under which ammunition and twine is to be furnished went far in the direction of quieting the fears of the Indians, for they admitted that it would be unreasonable to furnish the means of hunting and fishing if laws were to be enacted which would make hunting and fishing so restricted as to render it impossible to make a livelihood by such pursuits. But over and above the provision, we had to solemnly assure them that such laws as to hunting and fishing as were in the interest of the Indians and were found necessary in order to protect the fish and fur-bearing animals would be made, and that they would be as free to hunt and fish after the treaty as they would be if they never entered into it...
>
> ...the Indians were generally averse to being placed on reserves. It would have been impossible to have made a treaty if we had not assured them that there was no intention of confining them to reserves. We had to very clearly explain to them that the provision for reserves and allotments of land were made for their protection, and to

> secure to them in perpetuity a fair portion of the land ceded, in the event of settlement advancing.[41]

Whatever the government's intentions might have been in giving these assurances, the Indians saw them as guarantees of freedom to hunt, fish and trap throughout the area - an assurance that they would be able to continue their way of making a living if they chose.

Interviews with Indian elders in the Lesser Slave Lake area indicate that this understanding of the Treaty as a guarantee of their traditional livelihood, is still very strong and widespread. Some have understood the treaty as leaving the Indians with ownership of wildlife:

> He made a promise to the Indian when he first gave them reserves that as long as he lives, the King, I will look after you, my people in this manner, and better if you respect me. I will look after your children and your wild game. Game will not be bought. Share with one another equally, carefully, how to use your game, totally. When we have this, we will vote, then the Indian will own what game he chose for his consumption and use. This is what was decided about the moose. Moose is our main source of livelihood on this earth Not like the white man, the King, he lived mainly on bread, he said. But the Indian lived on fish, ducks, anything. The King asked the Indian what he wanted for a livelihood. The Indian chose hunting and fishing not to be limited. As long as they live.
> (Samuel Giroux, age 97 when interviewed, now deceased)[42]

Frank Cardinal, 68, who was told many stories of the treaty by his father and grandfather who were both present at the Lesser Slave Lake negotiations, has a similar understanding:

> The way I see things when an Indian chose his wild game, he wasn't to make hay to feed them to fatten them. He wasn't to provide shelter for them from the cold. The Indian chose live animals. White man will govern his domestic animals.... These are the white man's responsibilities, but the wild animal belongs to the Indian.[43]

In 1937 several people signed affidavits concerning Treaty 8, including James K. Cornwall ('Peace River Jim') who in the late 19th Century and the first half of this Century was responsible for many of the transportation enterprises that opened the North. Cornwall shared the Indian elders' view of the treaty as guaranteeing to the Indians some sort of primary rights over fish and wildlife:

> 1.) I was present when Treaty 8 was made at Lesser Slave Lake and Peace River Crossing.
> 2.) The treaty, as presented by the Commissioners to the Indians for their approval and signatures, was apparently prepared elsewhere, as it did not contain many things that they held to be of vital importance to their future existence as hunters and trappers and fishermen, free from the competition of white man. They refused to sign the Treaty as read to them by the Chief Commissioner.
> 3.) Long discussions took place between the Commissioners and the Indian Chiefs and headmen, with many prominent men of the various bands taking part. The discussion went on for days, the Commissioners had unfavorably impressed the Indians, due to their lack of knowledge of the bush Indians' mode of life, by quoting Indian conditions on the Prairie. Chief Moostoos (the Buffalo) disposed of the argument by telling the Chief Commissioner that "a Plains Indian turned loose in the bush would get lost and starve to death."
> 4.) As the Commission's instructions from Ottawa required the Treaty to be signed first at Lesser Slave Lake before proceeding North, and as the white population living in the Indian Territory

had been requested by the Government, prior to the coming of the Commission, to be prepared to deal with them as such, the whites had done everything in their power to assist the Commissioners, by using every honorable influence that was possible.

5.) The Commissioners finally decided, after going into the whole matter, that what the Indians suggested was only fair and right but that they had no authority to write it into the Treaty. They felt sure the Government on behalf of the Crown and the Great White Mother would include their request and they made the following promises to the Indians: -

a) Nothing would be allowed to interfere with their way of making a living, as they were accustomed to and as their forefathers had done.

b) The old and destitute would always be taken care of, their future existence would be carefully studied and provided for, and every effort would be made to improve their living conditions.

c) They were guaranteed protection in their way of living as hunters and trappers, from white competition; they would not be prevented from hunting and fishing as they had always done, so as to enable them to earn their living and maintain their existence.

6.) Much stress was laid on one point by the Indians, as follows: They would not sign under any circumstances, unless their right to hunt, trap and fish was guaranteed and it must be understood that these rights they would never surrender.

7.) It was only after the Royal Commission had recognized that the demands of the Indians were legitimate, and had solemnly promised that such demands would be granted by the Crown, also after the Hudson's Bay Company officials and Free Traders, and the Missionaries, with their Bishops, who had the full confidence of the Indians, had given their word that they could rely fully on the promises made in the name of Queen Victoria, that the Indians accepted and signed the Treaty, which was to last as long as the grass grew, the river ran, and the sun shone - to an Indian this means FOREVER.[44]

There can be little doubt that the missionaries played an important role in convincing the Indians that the treaty was in their own interests. Jean-Marie Mustus, age 78, was given this account by his grandfather, Moostoos, who signed the treaty:

> Father Lacombe was also present and spoke a lot to the Indian people on how to live. My grandfather said that he took Father Lacombe's advice as he travelled with him many times. His advice was to take the treaty as it would help him and the young generations in the future.[45]

Other elders, such as William Okeymaw, 87, who was present at the negotiations, question the motives of the missionaries:

> (Lacombe)...was the one who was pushing the Indians, he told the Indians "take the treaty, take the treaty." But now it is obvious why he was really encouraging the Indians, because there was only one church at the time at Grouard. There would also be a school there, so what he had in mind was money, to try and make the Indians accept the money, that is the reason of his encouragement. [46]

Some written material tends to support his cynical view of the role of the missionaries. Bishop Grouard, in his own account of the negotiations, indicated that he was very uneasy about the treaty until the Indians indicated that if given a choice as to the denomination of their schools, they would choose Roman Catholic. Grouard then no longer feared to encourage the Indians to accept the treaty.[47] This is not to suggest that the missionaries sought personal gains or advantages in the treaty but that they saw it as a source of assistance to foster their education system and were concerned about its possible effects on the zealous interdenominational competition for the allegiance of the Indian people.

However, the missionaries believed that they were also serving the Indians' interests by promoting the treaty. Father Rene Fumoleau, who has done considerable research on Treaty 8 himself, notes that some of those missionaries who participated in the negotiations later felt that they had been 'used' by the government. One such indication is contained in a letter written by Constant Falher, O.M.I., (who was present at the negotiations at Lesser Slave and Wabasca) to Bishop Breynat,

> If in 1899 we had not prepared the Lesser Slave Lake people to accept a treaty with the Government; if Bishop Grouard had not advised the chiefs to sign the treaty, telling them there was nothing which was not to their advantage: the treatv would still be waiting to be signed today. When Bishop Grouard sent me to Wabasca (at the request of Mr. Laird) to prepare the people and calm them, (it was then said that they were more or less in a state of revolt) I carried with me the government promises and I was very surprised when later on I was shown the document supposedly signed by the Indian Chiefs at Grouard...and thereabouts. So many important things are missing...but we do remember these things, and we suffer.[48]

At the end of the second day of negotiations at Lesser Slave Lake, the treaty was signed by the three commissioners and six Indian leaders. Although the treaty is marked with 'X' marks for the signatures of the Indians, the Edmonton Bulletin reported that the Indians merely touched the pen.[49]

On the third day, the treaty money was distributed and the Half-breed Commission began its meetings.

The Treaty Adhesions

Having dealt with the Indians of Lesser Slave Lake, it still remained for the Commission to obtain the adhesions of all other bands in the proposed treaty area. The Indians of each local area undoubtedly considered these local meetings to be just as important, if not more important than the Lesser Slave Lake meeting. However, the treaty commissioners expected that once it had been learned that the Lesser Slave Lake treaty had been signed there would be less difficuly in obtaining the adhesions of the others. For this reason, they left us little written record of the other nine meetings in 1899 and four meetings in 1900, that took place from Fort St. John to Fond du Lac and from Fort Resolution to Wabasca. The following account, therefore, contains only a bare outline of these meetings.

Because they were considerably behind schedule after the Lesser Slave Lake meetings, the commissioners decided to divide the treaty party in two, in order to try to reach all the designated points before the end of the summer. Even so, they had to leave four of the locations for the following summer: Fort St. John, Sturgeon Lake, Upper Hay River (Slavey band), and Fort Resolution.

David Laird led one of the treaty parties to Peace River

Landing where, on July 1, they took the adhesion of a Cree band led by Duncan Tustawits. The Indians here expressed the fear that by taking the treaty they would be subject to conscription into the British army, and would only sign when assured that this was not the case.[50] There were also several members of the Beaver Band of Dunvegan present, including the chief, but they refused to sign because the rest of their band was at Dunvegan.[51]

While Laird's group was at Peace River Landing, the other treaty party, led by McKenna and Ross, was attempting to reach Fort St. John. However, before they got there they received word that the Indians had run out of provisions and had dispersed in four bands to hunt.[52] On returning from Fort St. John, McKenna and Ross obtained the adhesion of the Beaver Indians of Dunvegan, led by Natooses, on July 6. Laird by then was on his way to Vermilion where, on July 8, an adhesion was signed by Chief Ambrose Tete Noire and Pierrot Fournier of the Beaver Indians and Kuis-kuis-kow-ca-poohoo, headman of the Tall Cree Band. Thomas Roberts (82) of the Beaver Ranch Reserve gives us this story of the Fort Vermilion meeting:

> I was not present at the treaty signing but my father and grandmother was there. They were a long time in coming to an agreement. The people had a choice of treaty or scrip. There was a whiteman named Wilson who was here a long time. He didn't speak our language. He was the husband of Gris' sister, this man Wilson was the one who advised us to take the treaty.[53]

The man named 'Wilson' would have been F.D. Wilson of the Hudson's Bay Company who signed as a witness to the adhesion. At Vermilion, as well as at Fort Chipewyan and Smith's Landing, the Indians made an earnest appeal for the services of a doctor.[54]

Another group of 66 Crees were met further down the Peace River at Little Red River and were believed to be part of the Vermilion Crees. It was with the headman of this Little Red River group that some difficulty was encountered. According to Mair's report, the headman refused to sign because of a divine inspiration. However, Grouard's account gives us more detail. Apparently the headman had pointed out that it was not himself who had made this country, but God who had made the sky and earth. Therefore, if he were to receive the money which the government was offering he would be guilty of theft, for selling something that did not belong to him. Grouard explained to him that this money was a form of compensation and this explanation was accepted and the adhesion was signed.[55] Grouard attributed this case of conscience to the man's recent acceptance of Christianity. However, the problem seems more indicative of the difficulty the Commissioners must have had in explaining what they meant by the surrender of land rights, to people who had no experience of land as a saleable commodity and whose traditional religious beliefs bound them closely to nature.

The next stop for Commissioners McKenna and Ross was

Fort Chipewyan, and fortunately, we have considerable evidence of this meeting on July 13, 1899. The Roman Catholic Mission diaries at Fort Chipewyan gave this account:

> Two members of the Commission landed here at noon (July 13th) and called a meeting of all the Indians for 3 p.m. The meeting took place in the Fort's yard. All the heads of families were present. Noticing that the missionaries were absent from the gathering, Mr. McKenna wrote and invited them to be present at the discussions, and all the Fathers went there.
>
> The Commissioner explained the Government's views and the advantages if offered to the people. The Chief of the Crees spoke up and expressed the conditions on which he would accept the Government's proposals: 1) Complete freedom to fish; 2) Complete freedom to hunt; 3) Complete freedom to trap; 4) As himself and his people are Catholics, he wants the children to be educated in Catholic Schools.
>
> In his turn the Chipewyan spokesman set the same conditions as the first speaker. The Commissioner acknowledged all the requests which both had voiced.
>
> Mr. Driver, in charge of the Fort [HBC] store, interpreted for the Crees, and Mr. Pierre Mercredi, his assistant, interpreted for the Chipewyans. Then the Treaty was read and signed by both Government representatives, and witnessed by the Fathers, and by the most eminent people of the locality. The Commissioners nominated a chief for the Chipewyans who so far had never had one. They officially recognized as such, the Chief of the Crees. Two councillors were given to each of the Chiefs, to replace them if need be. The Chief of the Chipewyans is Alexandre Laviolette. As it was already 9 p.m. and everybody was feeling tired due to this day's excessive temperature, treaty money was paid to the Chiefs only. All the other people would be paid the following day. At noon, the next day (July 14) everything was over and both Commissioners left for Fort Smith.[56]

Bishop Breynat summarized the Indians' position by writing that "...Crees and Chipewyans refused to be treated like the Prairie Indians, and to be parked on reserves.... It was essential to them to retain complete freedom to move around."[57]

The official report of the Commissioners praised Chief Alexandre Laviolette of Fort Chipewyan for "...keenness of intellect and much practical sense in pressing the claims of his band." Elsewhere, Commissioner Ross gave further indication of the difficulties he encountered at Fort Chipewyan:

> Here it was, that the chief asked for a railway - the first time in the history of Canada that the red man demanded as a condition of cession that steel should be laid into his country. He evidently understood the transportation question, for a railway, he said, by bringing them into close connection with the market, would enhance the value of what they had to sell, and decrease the cost of what they had to buy. He had a striking object lesson in the fact flour was $12. a sack at the Fort. These Chipewyans lost no time in flowery oratory, but came at once to business, and kept us, myself in particular, on tenterhooks for two hours. I never felt so relieved as when the rain of questions ended, and satisfied by our answers, they acquiesced in the cession.[58]

Indian elders of the Fort Chipewyan area maintain today that the treaty guaranteed their right to hunt, fish and trap without restriction.[59]

Fumoleau, after reviewing the diaries and archives of missionaries of this area, and finding little reference to the content or the importance of the treaty discussions, concluded: "It would seem that few people were concerned with the land ownership question, the real reason for the coming of these visitors."[60]

From Fort Chipewyan, McKenna and Ross proceeded to Fort Smith (or Smith's Landing) where they met the Chipewyan band of Slave River on July 17. There is little archival evidence of this meeting. However, evidence of Indian elders before Justice Morrow in 1973 indicates that the treaty was understood as a peace treaty, to insure that there would be no conflict between the Indians and incoming whites, and that no mention of land was made.[61]

McKenna and Ross had an additional reason to be uneasy about the meetings at Smith's Landing and Fort Chipewyan. While travelling in the North they had learned that Parliament was considering extending beyond the following January the prohibition against killing buffalo in the area to the west of Lake Athabasca.

> ...But at neither points could we take the responsibility of telling the Indians that the prohibition was to be extended. The chief difficulty in dealing with the Indians in this country arose from the fact that they believed that the making of a treaty would lead to interference with their hunting upon which they must depend for a living. When we were asked about the Wood Buffalo prohibition we had to say that we had no instructions as to any change in the law. Our mission would likely have been a failure if we had opened up the question.[62]

After the negotiations in these two communities had been completed, McKenna and Ross learned that the prohibition had been extended. In their opinions, it was an ill advised measure based on ignorance of the conditions of the North and certain to create resentment among the Indians as well as the missionaries and fur traders, who sided with the Indians on the question. One can only speculate as to what the outcome of the meetings might have been had the Indians been made aware of the intentions of Parliament.

Laird's treaty party left Fort Chipewyan on July 18 for Fond du Lac to meet the band of Chipewyan Indians there. The adhesion for this band indicates that it was signed on July 25 by Laurent Dzieddin and Toussaint, 'headmen'. However, the name of Maurice Piche, (also known as Moberly) listed as 'Chief of Band' was added on July 27: ("...the number accepting treaty being larger than at first expected, a Chief was allowed").[63]

However, an account by Biship Breynat indicates that there was considerably more behind this late signature by the Chief:

> The Indians were wearied from already waiting so long after the scheduled date for the treaty and they eagerly went to the meeting. Chiefs and councillors were elected and accepted without any difficulty. The meeting took place a few steps from the mission. Right after the text of the proposed treaty had been read, translated and explained, the Honourable Laird knocked on my door.
>
> "Complete failure!" he said. "We must fold down our tents, pack our baggage and leave." He explained that as soon as the discussion started

Chief Moberly...nearly got into a fight with the interpreter, good-natured Robillard. They had already taken off their vests, and the police had intervened. The chief had jumped into his canoe and left to the other side of the bay. "Evidently there is nothing we can do," added Laird pitifully, with tears in his eyes. He was a good old man with a sensitive heart. I offered him my sympathy: "Let me try," I said, "everything might turn out all right." Chief Moberly was the very best hunter of the entire tribe. How many times his gun had saved indigent people who without him would have died of starvation. He was also very conscious of his superiority and his pride would not tolerate any opposition. He feared that the treaty might restrain his freedom. His pride could only despise the yearly five-dollar bait offered to each of his tribesmen in return for the surrender of their rights, until then undisputed, and which, one must admit, rightly so - he held as incontestable.

Robillard tried to placate him by explaining this and that - he only made him angrier. Thus the fight! I called for one of the elected councillors, Dzieddin ('the deaf') known for his good character, his great heart and his good judgement. I explained to him: "If Chief Moberly, a great hunter and a very proud man, can despise and reject the help offered by the government, many old people without any income and many orphans, will appreciate receiving a five dollar annuity along with free powder, bullets, fishnets etc." I added, "Accept and sign the treaty on behalf of all those poor people. Anyway, even all of you together, all the Caribou Eaters, you cannot help it. You may accept the Treaty or not, but either way the Queen's Government will come, and set up its own organization in your country. The compensation offered by the Government may be quite small, but to refuse it would only deprive the poor people of much-needed help." Dzieddin was convinced by this argument and he signed the treaty. Many Indians had previously always been needy. Now they started to leave the Hudson's Bay store and those of the free traders who had followed the treaty party, looking like wealthy people with supplies of tea, flour, sugar, gunpowder etc. Some families had received as much as $150 or more. The better off people who sided with Chief Moberley were gradually drawn by the lure of an easy gain and came to receive their allowance. One of the Chief's

> best friends came to me for advice -- "So many people have already accepted Treaty. Don't you think it would also be good for me to accept it?"
>
> At last Chief Moberley himself came, with two or three of the last objectors. They went back, with happy hearts and a canoe loaded with goods. The first day's quarrel was completely forgotten. Good old Robillard, the interpreter, was laughing within himself when he shook hands with them in farewell.[64]

Breynat, like other missionaries of the area, felt that the Indians had nothing to gain by refusing the treaty because the government was offering 'relatively liberal' terms and would assume control of the region - treaty or no treaty.[65]

Finally, in order to reach their last two stops on the 1899 excursion, McKenna and Ross split up, the former going to Fort McMurray on August 4 and the latter to Wabasca on August 16.

William MacDonald of the Fort McKay band was only two years old when his people took treaty at Fort McMurray, but later heard stories of the meeting from the Chief of the band:

> The Indians weren't willing. They were afraid because during that time, there were no white people in this part of the country. The only non-Indians were from the Hudson's Bay...when the commissioner was ready to pay the Indians, they called them together. They talked there all day long. The Indians were going to get paid. They were going to be treated properly. When you accept the treaty money it will never end.... But the Indians still would not go along with that idea. They were afraid and suspicious. The Indians thought they would lose their land or get killed and wiped out. That is the reason

> why they were not willing. The priest then spoke to the Indians telling them to accept the money, that there was no danger and that they were being assisted. The Indians were to become friends with everybody and unite.[66]

Mr. McDonald goes on to indicate that the people were finally convinced by the priest and by the promise of annual rations.

We have no archival evidence on the Wabasca meeting, however, today elders of that area strongly emphasize that they were guaranteed complete freedom to hunt, fish and trap.

J.A. Macrae, Indian Commissioner, was left with the task of securing four more adhesions in 1900, with the Beavers of Fort St. John, Crees of Sturgeon Lake, the Slavey band of Upper Hay River and Dogribs, Yellowknives, Chipewyans and Slaveys of Fort Resolution. His instructions had been to take adhesions at Fort St. John and Fort Resolution, because the 1899 expedition had not reached these distant points. However the Crees of Sturgeon Lake and Slaveys of Upper Hay River met him and asked to be included. Because they were obviously entitled, Macrae drew up adhensions for them.[67]

Macrae's report on the 1900 expedition indicates that he encountered the same concerns among the Indians as in 1899:

> As was reported by your commissioners last year, there is little disposition on the part of most of the northern Indians to settle down upon land or to ask to have reserves set apart. Dealing, under your instructions, with demands for land,

> two small provisional reserves were laid out at Lesser Slave Lake for Kinoosayo's band, and fifteen or sixteen applications were registered for land in severalty by Indians who have already, to some extent, taken to agriculture.
> It appears that this disinclination to adopt agriculture as a means of livelihood is not unwisely entertained, for the more congenial occupations of hunting and fishing are still open, and agriculture is not only arduous to thoseuntrained to it, but in many districts it as yet remains untried. A consequence of this preference of old pursuits is that the government will not be called upon for years to make those expenditures which are entailed by the treaty when the Indians take to the soil for subsistence.[68]

Macrae also reported that those Indians who had been present at the 1899 meetings requested extended explanations of the terms for those who had not understood. Not surprisingly, the hurried 1899 trip had left something less than a clear understanding in its wake.

A medical doctor accompanied Macrae, and his services were appreciated by the Indians.[69]

Macrae recognized that even with this trip in 1900 the task of taking all Indians into treaty was incomplete. There still remained a number of Indians (Macrae estimated over 500) who lived at points distant from those visited who had not been given the option of taking treaty or scrip. Notwithstanding this, Macrae concluded, "...the Indian title...may be fairly regarded as extinguished."[70]

Indian Perceptions of the Treaty

In the preceding sections we have assembled available archival evidence on the historical background to Treaty 8 and the treaty negotiations themselves. Where appropriate, brief reference has been made to the oral tradition of Indian communities which has transmitted an understanding of the spirit and terms of Treaty 8 to the Indian elders of today. The present section will look more closely at the views of the Indian elders, and will attempt to explain divergence within the oral tradition as well as between the archival evidence and the oral tradition. Our aim is to determine how the Indian people might have understood Treaty 8 in 1899. This is not to assume that the Indian understanding of recent years will be identical to that of 1899, but that the testimony of today's elders constitutes an essential source of evidence on the treaties.

Of all the subjects discussed by the elders in these interviews, hunting, fishing and trapping rights emerge as the most significant. Overwhelmingly, the elders of the Treaty 8 area believe that the treaty promised that there would be no restriction on their right to hunt, fish and trap. The most common responses were either a simple statement to the effect that they were guaranteed that there would be no restrictions, or that they would be allowed to continue their 'livelihood'. Any requirements such as licenses are seen as a violation of treaty rights.

Melanie Hamelin, 70, heard from her grandfather that "...there wouldn't be any restrictions on the pursuit of their livelihood. There wouldn't be any restrictions on their hunting or the animals they killed."[71]

Isador Willier, who was over 100 years old when interviewed, said that the Indians were told,

> ...The way you have been struggling for a livelihood - no one will ever stop that form of livelihood. If you should take treaty, this is the way you will make your livelihood. Moose, cariboo and any other wild bush animals, no one will ever stop you from obtaining these animals any where.... You will always make your livelihood that way. If you should take treaty, ...nothing will stop you from fishing and duck hunting....[72]

Several interviews conceived these rights to mean that Indians would retain ownership of all fish and wildlife. A few interviews mention the limitation that Indians would not be able to hunt on the white man's land or to shoot at his farm animals or buildings.

Unfortunately, the interviews did not dwell on the distinction between commercial and non-commercial hunting, fishing and trapping. However, the frequent reference to the right to continue their 'livelihood', would suggest that the Indians understood that they would be able to pursue these activities on a commercial basis, as they had before the treaty. A few interviews imply that Indians can hunt only to supply family needs, but this may be a reflection of current legal realities rather than treaty promises.

On the basis of oral and archival evidence it would seem that the treaty would not have been signed if the Indians had not been given assurances that they would be as free to hunt, fish and trap after the treaty as before. They were given assurances that the government was interested only in conserving wildlife for their benefit. Some evidence, not entirely conclusive, suggests that they were promised that they would be protected from white competition. In other words, whether it would take the form of ownership of wildlife or protection from white competition, these assurances constituted a recognition that hunting, fishing and trapping as a way of life would remain an option for treaty Indians. If the treaty commissioners had looked upon these rights as mere temporary privileges pending widespread settlement or mining, they failed to make this clear in the negotiations. More likely, they believed that any conflicts which might arise, would be far in the future.

At the time of the negotiations the commissioners found that the Indians' fear of losing their hunting, fishing and trapping rights was partly overcome by reference to the provisions for ammunition and twine. The frequency with which these provisions are mentioned by the elders today is an indication of their importance. Many of the elders mention that they originally got twine with which to make nets, and one man pointed out that when the government later tried to regulate the mesh size of nets they started issuing nets instead of thread.

Several Indian elders of that portion of the Treaty 8 area now within the Northwest Territories have testified before Justice W.G. Morrow that there was no mention of land surrender or the allotment of reserves, during the treaty negotiations. The treaty was essentially a peace treaty, designed to insure peaceful relations between Indians and non-Indians.

However, most of the elders interviewed in Alberta seem to accept the land surrender as part of the treaty, although they have divergent views over the exact meaning of the surrender. Several indicate that minerals were never surrendered, that the white man only wanted enough land in depth to be able to farm. Others, while demonstrating a clear grasp of other treaty issues, admit to being in doubt about the surrender of land,

> That is something which always puzzled me when I think of it. It appears as though (the commissioner) wanted to claim the land the way he spoke. They wanted to own the land from the government. That is why they took that action...at times the Indian people get angry about that. The white man never bought this land. They now claim ownership. They never bought the land. If they bought it there would be very large sums of money involved....[73]

When asked whether the land was surrendered to the commissioners, Francis Bruno, age 65, responded,

> That I do not know if it was or not. I cannot answer that. But what I do understand is that we were to share the land with other people

> who were the white people. That was the purpose of the treaty I think since there was going to be more white people, to share the land with them.[74]

This diversity of views on land and resource rights is not surprising, judging by the lack of attention given it during the negotiations. The archival evidence demonstrates that there was surprisingly little effort to explain the implications of the treaty phrase "the said Indians do hereby cede, release, surrender and yield up...all their rights, title and privileges whatsoever, to the lands," etc. We can only speculate as to why this crucial issue of the control of land and resources was avoided, or passed over lightly in the negotiations, when it was obviously the intention of the government to extinguish aboriginal rights. It is likely that the commissioners felt that it was a mere formality from the government point of view. The government had already made some laws applicable in the area and fully intended to establish further control. From their point of view, they already owned the land so the treaty was merely a means of extinguishing the vague aboriginal rights, and placating the native people by offering the advantages of a treaty.

However, the Indian people undoubtedly held a very different view of the treaty and of land and resource tenure. Even if the commissioners had been fully aware of these different views, it is very doubtful that they could have cleared up the misunderstandings on their hurried trip through the North.

Dr. June Helm, testifying before Justice W.G. Morrow in 1973, made these comments on the difficulty of communicating the concept of land surrender:

> ...how could anybody put in the Athapaskan language through a Metis interpreter to monolingual Athapaskan hearers the concept of relinquishing ownership of land, I don't know, of people who have never conceived of a bounded property which can be transferred from one group to another. I don't know how they would be able to comprehend the import translated from English into a language which does not have those concepts, and certainly in any sense that Anglo-Saxon jurisprudence would understand. So this is an anthropological opinion and it has continued to puzzle me how any of them could possibly have understood this. I don't think they could have. That is my judgement.[75]

This view is supported by the Report of the Nelson Commission in 1959, which was set up to examine the unfilfilled provisions of Treaties 8 and 11 as they apply to the Indians of the Mackenzie District:

> It should be noted that although the Treaties were signed sixty and thirty-eight years ago respectively, very little change has been effected in the mode of life of the Indians of the Mackenzie District. Very few of the adults had received an elementary education and consequently were not able to appreciate the legal implications of the Treaties. Indeed some bands expressed the view that since they had the right to hunt, fish and trap over all of the land in the Northwest Territories, the land belonged to the Indians. The Commission found it impossible to make the Indians understand that it is possible to separate mineral rights or hunting rights from actual ownership of land.[76]

The report went on to suggest that reserves were of no value to the Indian people under the circumstances in which they lived.

If the Nelson Commission had difficulty explaining 'land surrender' to Athapaskans in the Mackenzie District in 1959 it is difficult to imagine that Laird and his Commission would have had an easy time explaining it to Athapaskans and Crees living the same sort of life in what is now Northern Alberta, in 1899. But the point is, that due either to ignorance of the basis of misunderstanding, or a desire to avoid controversy and get the job over with, they apparently made no great effort to explain the concept.

Some of the Cree people in the southern part of the treaty area may have been more familiar with the treaties of the prairies and therefore more fearful of losing their land, but the assurances that reserves were not compulsory and that they could continue to hunt, fish and trap would have reassured them.

The Indian people in 1899 fully understood that white men would be entering their land, taking homesteads and farming, as well as prospecting and mining. Indians were to live in peace with the newcomers and give up those areas of land required. But most of the land would remain unoccupied by whites and available to Indians for hunting, fishing and trapping. Beyond these agreements, however, there appears to have been a 'failure of the meeting of minds' with regard to the sharing of natural resources: surface rights outside of agricultural areas; timber; wildlife; minerals; and water. This failure allowed both sides to look favourably upon the treaty at the time but left a legacy of confusion and bitterness for future generations of Indians who were asked to believe that their fathers and grandfathers had 'sold' the land they walked on and the lakes they fished in.

The treaty provision for reserves and lands in severalty were seen by both sides as protection for those bands living in areas likely to be settled, and as an alternative economic base for those who might wish to engage in agriculture or stock raising. Indians in more isolated areas had no interest in obtaining reserves in 1899. The archival evidence which we have reviewed indicates that the reserves were offered by the commissioners and explained at some of the treaty negotiations, but were not really discussed by the Indian people. Interviews with Indian elders indicate that the Indian people were generally unaware of the exact written terms of the treaty concerning reserve land.

In light of the comments by the commissioners to the effect that the Indians reacted negatively to the suggestions of reserves in 1899, it might seem surprising that most of the elders today have positive attitudes towards the reserves. Reserves are seen as places where Indians can make a living without interference from whites and where Indians own everything, including mineral rights. Some elders speak of the years of frustration that they had to go through before the government granted them a reserve. However, it is likely that this change in attitude towards reserves was a result of white settlement in particular areas. As the Indians saw whites taking up land which they had traditionally occupied, they began to appreciate the security offered by the reserves. Furthermore, during periods of declining opportunities in the fur trade, an attempt at agriculture would have looked more appealing.

Several elders believe that their reserves are too small and one, William Okeymaw, insists that the treaty promised that more land would be provided if the reserves became overcrowded. None of the elders interviewed had a clear understanding of the reserve provisions of the written version of the treaty.

The written version of the treaty contains detailed promises of assistance in agriculture and stock raising, including the provision of tools, implements, seed, cattle, and provisions for one month each year, for several years, while crops were being put in. In the negotiations it may not have been explained that the allotment of cattle and implements was a 'once-for-all' provision in the written document, rather than an ongoing commitment to economic development. It is clear from the elders' interviews that assistance in agriculture has always been seen as a treaty right. Many of the elders remember that promises were made concerning cattle, implements and provisions during planting.

There is no indication that the Indian people understood these promises to be on a 'once-for-all' basis, but the interviews did not focus specifically on this issue. It seems that the various details of agricultural assistance were seen by the Indians as amounting to a general commitment to provide whatever assistance was necessary to help them get started in farming, if they so desired.

The right to an education was stressed in the treaty negotiations by Kinoosayo and others, and the government assured them that this would be provided for. At the time of the negotiations, the churches were expected to continue to play a major role in education in the North, and the Indians were assured that they would have complete freedom in choosing education under the religion of their choice, in government supported schools. Wally Willier, an elder from Wabasca, explains that Indians were promised "schools in the years to come. That is why we were given a choice, either to take a Catholic priest or a minister." It would seem that neither the written treaty nor the negotiations were very specific about the extent and nature of the education that Indians would be entitled to under the treaty. Similarly, Indian elders today see these rights in very general terms. Some elders refer to it as "learning to read", or "learning to farm", or getting "an education like the white man", which would enable them to "know the white man's way of living."

One of the clearest discrepancies between the written treaty and the Indian understanding of the treaty is in the area of health care and social services. The treaty document makes no provision for such assistance. The Indian people might have expected the government to assume rather broad obligations similar to those of the Hudson's Bay Company in this area. The Report of the Treaty Commissioners indicates that the Indians asked for "assistance in seasons of distress", and "urged that the old and indigent who were no longer able to hunt and trap and were consequently often in distress should be cared for by the government. They requested that the medicines be furnished. At Vermilion, Chipewyan and Smith's Landing, an earnest appeal was made for the services of a medical man."[77] In response, the government insisted that they would not maintain Indians in idleness, but that,

> ...the Government was always ready to give relief in cases of actual destitution, and that in seasons of distress they would without any special stipulation in the treaty receive such assistance as it was usual to give in order to prevent starvation among Indians in any part of Canada; and we stated that the attention of the Government would be called to the need of some special provision being made to assisting the old and indigent who were unable to work and dependent on charity for the means of sustaining life. We promised that supplies of medicine would be put in the charge of persons selected by the Government at different points, and would be distributed free to those of the Indians who might require them. We explained that it would be practically impossible for the Government to arrange for regular medical attendance upon Indians so widely scattered over such an extensive

> territory. We assured them, however, that the Government would always be ready to avail itself of any opportunity of affording medical service just as it provided that the physician attached to the Commission should give free attendance to all Indians who he might find in need of treatment as he passed through the country.[78]

The Indian people apparently understood this as a general commitment to provide health care. Today the elders say that Indians should have doctors, medicine, hospital care, and medical aid free of charge as a treaty right. What is important in the treaty is not the specific promises that were made, but the fact that the government agreed to provide health care and social services to the extent that was feasible. It was not the understanding of the Indian people that they would be restricted forever to what was available in 1899. Some of the elders specifically remember the promises of care for the aged.

Treaty 8 followed the practice of previous treaties in paying a gratuity and an annuity, the first year - in this case $7 gratuity and $5 annuity, per person. In subsequent years, of course, only the annuity was paid. Perhaps the nature of these payments was not made clear, because today many elders are puzzled by the fact that their payments were cut back from $12 to $5 after the first year, and some see it as a trick to get the treaty signed, by offering large initial payments.

Clearly, to the Indian people, the treaty was much more complex than a surrender of land in exchange for annuities and certain social services. It was, rather, an agreement on how the natural resources would be shared between the Indians, the Metis and the non-native newcomers. Furthermore, it was an agreement on the extent to which Indian people would receive benefits of the non-native society with whom they were to share the land.

Summary

A review of the written terms of Treaty 8 and the available evidence of the context and content of the negotiations must lead to the conclusion that an agreement was only made possible by the existence of a large measure of trust between the parties and by the absence of reasonable alternatives to such an agreement. The treaty was not so much a precise legal definition of Indian rights under Canadian law as a compact or set of fundamental principles which would form the basis for all future relations between the Indian people and the government.

For the Indian people, the assurances of the government's good intentions and its commitment to justice were of great significance, particularily when such assurances were given by those whom they had come to rely upon to bridge the enormous cultural gap between themselves and the white society - the missionairies and fur traders who lived in their country. Having had an example of the effects of an uncontrolled and lawless frontier expansion in the gold rush phenomenon, the Indians would have been well disposed to believe that a force strong enough to bring order and justice to such an environment was potentially an ally. Where the effects of white settlers and travellers had been less obvious, as perhaps was the case at Fond du Lac, the treaty may have appeared to have been more like an ultimatum, offering few benefits beyond a small quantity of money and rations.

Despite their previous ignorance of the North and the living conditions of Northern Indians, the treaty commissioners had been impressed with the fact that the way of life there was radically different from that on the prairies and would require substantially different government policy from that applied to the prairie Indians. However, with the treaty successfully negotiated, the affairs of these Indians would now come under the jurisdiction of a small and distant federal bureaucracy, and for many years to come, a very small field staff. The unique conditions of northern Indians would receive little attention under such circumstances.

To a considerable extent the civil servants responsible for administering Indian policy were justified in assuming that substantial intervention in the affairs of northern Indians was neither required by the extent of social change in the area nor demanded by the Indians. The intrusion by miners, settlers, trappers and others was still not on a large enough scale to require more than an affirmation of the government's intentions to apply the laws of the land to native and non-native alike. The condition of the native population only required that the government assume greater responsibility for their health, education and welfare. Hunting, fishing and trapping would continue to be the basis for the native economy for the foreseeable future and the adoption of agriculture or other economic alternatives would not require the government's urgent attention as it had immediately following the prairie treaties. Even the expense of reserve surveys could be spread out over many years as there were few areas of the North under immediate pressures of settlement.

Although the difficulty of drawing the attention of this distant bureaucracy to the problems of the northern Indians was a serious detriment to the prospects of their economic and social progress, of equal significance was the growing political power of the settlers of the prairies, represented by the movement towards increased legislative autonomy which culminated in the establishment of the provinces of Alberta and Saskatchewan in 1905 and the relinquishment of control over natural resources by the federal government in 1930. To the extent that fulfillment of the treaty obligations involved the disposition of rights to the natural resources of the treaty area, the power of the settlers could not be ignored.

CHAPTER FOUR

THE POWER OF THE SETTLERS AND THE DEVELOPMENT OF A REGIONAL METROPOLIS

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The Colonial System and the Settlers

From the time of its acquisition in 1869, the Northwest Territories were administered as a colony of central Canada. Not only the Indians and Metis but also the new settlers were administered by officials appointed by the federal government. It was not until 1887 that the territories were given representation in the House of Commons. Although the population was allowed to elect representatives to the North West Council as early as 1876, the Council had only an advisory role with regard to financial matters until 1897. Saskatchewan and Alberta were granted provincial status in 1905 but it was not until 1930 that they, along with Manitoba, were granted jurisdiction over natural resources.

The Department of Interior, created in 1873, was the principal instrument through which the West was administered 'for the purposes of the Dominion'. The administration of Indians and Indian lands was placed under a branch of this department until it was made into a separate department in 1880. However, until 1933 the Minister of Interior was also the Superintendent General of Indian Affairs, effectively making the latter responsibility subordinate to ~~the~~ former.

The colonial power structure found its most effective voice in the Conservative party which formed governments from 1867 to 1873 and from 1878 to 1896. Top officials of the Department of Interior and Indian Affairs tended to be men who supported the view that the West should be administered primarily as a hinterland of the East and the policies which they formulated generally suited the needs of the large land and ranch companies, and of course the Canadian Pacific Railway, all of which were intimately linked with the Conservative government.[1] Influential civil servants in the Department of Interior, such as William Pearce, protected the ranch interests with land use policies which allowed large grazing leases and water reserves, and in the process won the enmity of the farmers.[2]

Strict control of land policies by the federal government could be defended, and was defended, on the grounds that to do otherwise would throw open the lands of the West to speculation, profiteering, and inefficient and inappropriate land use. Orderly and rational development of the region could not be entrusted to the speculative settler.

The Indian policy of the Conservatives (and of the Liberals in the 1870s) followed a similar, colonial pattern. The prairie treaties had extinguished aboriginal rights to the land and placed the Indians on reserves, where they were expected to adopt agriculture with the paternal assistance of the Department of Indian Affairs. They were to become 'white men' as soon as possible but until they were able to learn the ways of the white men and compete with them economically, the reserve land and economic development of the Indians would be entrusted to a separate government department and protected by separate legislation.

Undoubtedly one of the primary motives for such a paternalistic policy towards the Indians was the need to bring them under strict control so that they would not interfere with the development of the territory by continuing to hunt in settled regions or by actively opposing settlement. Once the buffalo had disappeared it became even more evident that the Indians would be almost entirely dependent on the government for rations and for training in the skills of agriculture and that without such assistance they could be expected to become very troublesome and a definite hindrance to the ranchers, the railways and to settlement in general.

This colonial Indian policy, like the general land use policy of the Conservatives, cannot be attributed solely to a strategy for the exploitation of the Western hinterland in the interests of the Eastern capitalists closely associated with the party. On the contrary, the Indian policy was shaped and administered, at least in part, with the desire to protect the Indians from the worst effects of settlement and in recognition of the fact that neither the Indians nor the federal government could forestall settlement indefinitely, even if they had so desired. Several of the Indian leaders, in treaty negotiations, indicated an awareness that their people were not equipped to participate in the settlers' society without guidance and protection from the government. The history of the Metis people who were considered to be sufficiently advanced in their knowledge of the new society to be able to survive without the legislative and administrative protection of the government, offers some support for this belief.

This colonial power structure was not without opposition. As early as 1883 settlers in the Fort Macleod region protested, although unsuccessfully, the monopolization of land by ranch leases and two years later some groups of settlers threatened to join the Metis and Indians in the Riel rebellion.[3] The settlers in the end did not rebel, and many who had initially flirted with the idea became vociferous in their demands that the government take decisive action to punish the rebels.[4] As the communities of the West slowly developed in the 1880s, and as the number of farmers gradually increased, the protests of the settlers became increasingly difficult to ignore. Supported by a substantial population in Western Ontario which was looking for new frontiers of settlement and business opportunities, the farmers, merchants, journalists and other elements of the settler population were mounting a forceful challenge to the federal government and its appointees on the North West Council.

Frank Oliver was the personification of this coalition of interests developing within prairie communities. His newspaper, the Edmonton Bulletin, recognized that the prosperity of prairie merchants depended upon bringing a large number of settlers onto the land, and therefore persistently exposed and ridiculed the various government policies which discouraged settlement. On virtually every issue of the day the paper instinctively found common cause with the settlers against any group which might restrict the availability of land. In particular, any group which was able to monopolize large areas of land by virtue of rights granted by the federal government was subject to attack whether it was the C.P.R., the Hudson's Bay Company, the large ranch companies and land colonization companies of Eastern financiers, or the Indians:

> The interests of the white settlers are paramount to those of the Indians, and to retrograde so as to place them secondary to the latter would be to cast doubt upon the Territories and the advantages they hold out to settlers.[5]

> The rights of the squatters in this country to their lands will be upheld against all comers, and what little influence the paper may possess will be thrown

> in the most uncompromising manner against land, railway, manufacturing and all other monopolies, but especially against such as are created and maintained by act of parliament....[6]

The Bulletin was also a strong supporter of efforts to open the North to settlement and exploitation. Oliver, who was elected to the House of Commons in 1896, used both his newspaper and the debates of the House to urge the government towards providing transportation links from Edmonton to the growing Yukon market for the benefit of prairie farmers and merchants.[7]

Although Oliver firmly opposed the speculation in land by Eastern capitalists, he equally firmly defended the 'speculative squatter'.[8] The interests to which he and his newspaper gave voice were not so much the interests of a class engaged in a struggle to alter the class structure of Canadian society, as the interests of a broad range of the settler population which would benefit by a transfer of power from the metropolitan centres of the East to the communities of the West.

The Liberal Party and the Promotion of Regional Interests

From the beginning there was a strong non-partisan tendency in the settlers' protests, but by the time that Laurier's Liberals had been elected in 1896, that party had become firmly identified as the farmers' party. Laurier himself had been elected in the constituency of Saskatchewan as well as in a Quebec constituency, and Clifford Sifton from Brandon, the youngest member of the Laurier cabinet, was made Minister of Interior.

The period of the Laurier governments (1896-1911) is well documented by Canadian historians.[9] It was a period of large scale emigration from Europe, the United States and Western Ontario to the fertile belt of the prairies, rapid expansion of railway lines and substantial growth for many Western communities. Sifton's policies in the Department of Interior represented a substantial shift away from the colonialist view that the rights of settlers must be subordinated to controlled development in the interests of the Dominion, and toward the view that the West could not develop unless settlers were given assurances that their interests were taken into consideration. He was vigorous and successful in his efforts to attract European immigrants to the prairies, while Canadians were encouraged to take advantage of the growing opportunities for business and trades in prairie towns.[10]

As Minister of Interior, Sifton also assumed the position of Superintendent General of Indian Affairs from 1896 to 1905. Convinced that the Department of Indian Affairs had become a major instrument of Conservative patronage he proceeded to reduce staff and salaries, to centralize the department in Ottawa and to appoint dependable allies to top positions - men who had little experience dealing with Indians and little sympathy for their condition.[11] Although some of the paternalistic elements of the Conservative Indian policy were retained, Sifton did permit the surrender of over 200,000 acres of Indian reserve land. The pressure for these surrenders originated with legitimate farmers as well as numerous land speculators, and Sifton was constantly under pressure from Frank Oliver to open more reserve land to white settlers. Sifton also shared Oliver's view that Indian industrial schools established by the Conservatives should be phased out because,

> ...we are educating these Indians to compete industrially with our own people, which seems to me a very undesirable use of public money, or else we are not able to educate them to compete, in which case our money is thrown away.[12]

Under Sifton's administration, the Department of Indian Affairs began to view the Indians as potentially self-supporting individuals who had been too carefully sheltered and too lavishly supported by previous administrations. Such a view of the Indians was appropriate for the political demands of the emerging settler society - demands for a reduction in the federal control of all aspects of Western development and for an effort to increase the availability of farm land.

By the time that Treaty 8 was signed in 1899, the West was still a hinterland whose development was primarily determined by the interests of the metropolitan areas of Canada. It was, however, a hinterland which was producing a significant coalition of interests aggressively opposed to those which had ruled the territory since 1870 and making rapid and substantial inroads into the colonial power structure. This coalition of settlers included merchants, real estate speculators, journalists, professional people, and a variety of developing business interests, but depended primarily upon the support of large numbers of small independent farmers for its success.

Although formal control of Indian affairs and natural resources (until 1930) remained in Ottawa, policy affecting Indian rights and northern development in the Twentieth Century was certainly not the exclusive domain of the federal government and Eastern business interests. Rather, it was shaped in the context of an ongoing conflict between hinterland and metropolis over the control of natural resources including the resources of the new frontier of the North.

The way of life of Northern Indians changed little in the years immediately following the negotiation of Treaty 8. The end of the gold rush brought a reduction in the rate of influx of whites and only in the vicinity of Lesser Slave Lake and parts of the Peace River block was there sufficient settlement to prompt the Indians to request the allotment of reserves. Even in these areas the Indians continued to rely on hunting, fishing and trapping for their livelihood. While their way of life appeared to have been relatively undisturbed by settlement during these years, the power to determine their future prospects as well as the development of the North generally, shifted from the paternalistic colonialism of the federal government to the rapidly expanding power of the frontier communities of the prairies. Two events of 1905 are particularly illustrative of this shift in power: the appointment of Frank Oliver to the position of Minister of Interior in the Laurier Cabinet, and the creation of the Province of Alberta.

Oliver was elected to the House of Commons for the constituency of Alberta in the 1896 election and held that seat until 1905 when he was elected in the newly created constituency of Edmonton. His tenure as Minister of Interior and Superintendent General of Indian Affairs from 1905 until the defeat of the Laurier government in 1911, was characterized by an even greater commitment to the rights of settlers and an even more aggressive effort to secure surrenders of Indian reserve lands than was seen during Sifton's tenure. To facilitate reserve surrenders the Indian Act was amended in 1906 to increase from ten percent to fifty percent the proportion of the proceeds of a sale that could be immediately distributed among the Indians rather than placed in the band's trust fund.[13] Further amendments in 1911 provided for the expropriation of reserve land for railways or public works and for the relocation of Indian reserves that were within ten miles of a city. Oliver defended this departure from the Crown's obligation to protect Indian lands by asserting that "...it is not right that the requirements of the expansion of white settlement should be ignored, - that is, that the right of the Indian should be allowed to become a wrong to the white man."[14]

By 1905 the attainment of provincial status for the prairies was a foregone conclusion. The movement for responsible government had continued to build momentum after 1900 and the Liberals' 1904 election campaign included promises of provincial status. While the creation of the new provinces was a milestone in the growth of the power of the settlers, the emotions of the settlers themselves were aroused more by the question of the drawing of boundaries, the designation of capitals and the disposition of public lands.[15]

The boundaries of the new provinces of Alberta and Saskatchewan, as drawn by the Liberal government, must be seen in the light of conflicts between the towns of the prairies for control over various hinterlands. The boundaries of the provinces stretched far to the north of the settled agricultural regions of the prairies, giving to Alberta most of the former territory of Athabasca, an area of suspected agricultural possibilities, known mineral wealth and a substantial fur trade. Through its transportation policies, the Alberta government would be able to insure that Edmonton expanded and consolidated its role as the major trade centre for this resource-rich region. By contrast, the corresponding area of Saskatchewan was of little known resource wealth.

The proposed boundaries sparked a lively controversy in Edmonton and Calgary. The Member of Parliament for Calgary, M.S. McCarthy, one of the few Conservatives elected in the West, was among those who protested that the boundaries of Alberta should be placed further to the east and not so far north, putting much more of Calgary's potential hinterland within the province. He argued with some conviction that the boundaries proposed by the government would divide the cattle area of the South while encompassing a large sparsely populated area in the North which might be more easily administered by Ottawa:

> I desire to call attention to the advisability of including in the new provinces the great northern country. I pointed out that no man in the west but would hope that their great expectations would be realized, yet today in view of what the Prime Minister has said we cannot consider that an agricultural country. I have already shown that the census of 1901 shows that the population of Athabaska was 242 white people, 2,395 half-breeds and 3,700 Indians and 262 unspecified...It would cost practically very little to administer this through the Dominion government. The questions that arise will be mainly interprovincial. Take the regulation and preservation of the fur trade for instance. Suppose that one province establishes a certain close season for certain animals while the other does not; and the Dominion government may have a different law with regard to the same matter further north.[16]

All such protests failed, and as a consequence much of the area which only six years before had been the subject of treaty and scrip negotiations between the federal government and the native people, became part of the Province of Alberta.

The selection of Edmonton as the interim capital city was equally controversial, and although the selection of the permanent capital was left to the first provincial legislature, the constituencies for the first provincial election were so drawn as to give a disproportionately large representation to the northern part of the province. Laurier wavered under pressure from Calgary to redraw the constituencies, but Frank Oliver, as Minister of Interior, would not back down.[17]

The decision to withhold the public lands from the jurisdiction of the new provinces was objectionable to many of the settlers and remained a fundamental issue for 25 years. Oliver argued, however, that for some time to come the administration of public lands would be more of a financial burden than an asset and that "...so long as we have a land policy the basic idea of which is the land for the settler, it is certainly better for us and for the Dominion that the lands should be administered by the federal authorities."[18]

The results of the first Alberta provincial election were predictable. Using its control over the federal and provincial administrations to advantage, the Liberals swept the election, losing only two southern seats to the Conservatives.[19] Thomas notes, however, that the Liberal victory rested on a much broader base than its control of administrations and gerrymandering:

> Although Alberta was overwhelmingly an agricultural province, the towns were growing rapidly and new ones sprang up along the railway lines. Here again a new leadership was afforded by the newcomers from Eastern Canada and the north central states, settlers far more aggressive and perhaps much more alert to opportunity than the easy going traders and professional men of the days when Alberta was a remote frontier. The old-timers accepted their relegation to a minor place in the community without undue concern, but the change in the tempo of life, in the towns and villages as well as in the country at large, had political implications. The basis, more emotional than intellectual, for the Conservative outlook ceased to exist; to the progressive newcomer the Conservative party was vulnerable to attack as the party of privilege and big business, of restrictions on settlement and high tariffs. The Conservatives had little to offer the newcomer, whether it was the Mormon in the southwest, the Ukranian in the east central region, or the shopkeeper or professional man from Eastern Canada in the towns. It was the Liberals who attracted their support....[20]

The provincial Liberal administrations of 1905 to 1921 gave high priority to the exploitation of the resources of the unsettled northern part of the province, for the benefit of the metropolitan designs of Edmonton and the few white settlers of the remote area. At the centre of its northern development policy was financial aid to railways to the towns of Athabasca and Fort McMurray to improve Edmonton's trade with the far north, and to the farm lands of the Peace River district. Edmonton had been connected to the C.P.R. line at Calgary as early as 1891 and was reached by two new transcontinental lines, the Canadian Northern and the Grand Trunk Pacific in 1905 and 1909 respectively. Despite years of financial difficulties and a strong opposing sentiment in favour of a railway policy to serve established communities, the Liberal government pressed forward with its support for the northern frontier railways.[21] The Canadian Northern Railway reached the town of Athabasca in 1912 to replace the old wagon route to the steamboats on the Athabasca River. By 1914 the Edmonton, Dunvegan and British Columbia Railway had reached Lesser Slave Lake and, two years later, Peace River Crossing. The Alberta Great Waterways Railway became the most important supply route to the far north when it finally reached Fort McMurray in 1926 after nearly two decades of construction delays and political controversy over mounting costs.

The Indians of Alberta did not acquire the right to vote in provincial elections until 1965 and consequently the representatives for the constituencies of Peace River and Athabasca tended to be settlers or entrepreneurs who were strongly committed to the Liberal policies of northern development. In fact, in the election of 1909 all candidates in these constituencies claimed to be Liberals.[22]

Among all of those people within the Liberal Party and in the town of Edmonton who supported northern development, James Kennedy Cornwall deserves special attention. Cornwall got his start in the north in 1898 when, at the age of 29, he founded a company with F. Bredin to trade in furs and to supply the North West Mounted Police and the Department of Indian Affairs expeditions in the Peace River area.[23] After selling this company to Revillon Freres in 1905 Cornwall set up the Northern Transportation Company to establish a steamboat line from the town of Athabasca to Grouard on the west end of Lesser Slave Lake.

From this initial interest in the north, Cornwall soon became its chief promoter. He consistently promoted the agricultural potential of the Peace River area against its many detractors and when the railway finally reached Peace River Crossing in 1916 Cornwall was selling town lots to the new settlers.[24] During his term (1909-1913) as member of the Alberta legislature for Peace River he organized a well publicized tour of his constituency by journalists and businessmen,[25] and was known to be allied with that wing of the Liberal Party which was most extreme in its advocacy of the development of the north and of Edmonton as its metropolis.[26]

When premature interest in the Athabasca tar sands created a short-lived boom in the Fort McMurray area in 1910 and 1911, Cornwall established the Fort McKay Oil and Asphalt Company to explore for oil, subdivided lots in Fort

McMurray for sale, and promoted both the town and the tar sands among the citizens of Edmonton.[27] From as early as 1907 he was urging federal and provincial governments to build a railway from Edmonton to the Fort McMurray area where goods bound for the far north could be loaded on his Northern Transportation Company barges.[28] When the Alberta Great Waterways Railway was finally built, the charter for the route had to be purchased from Cornwall, and when the lavish provincial government support for the railway became a major political scandal for the Liberals in 1910, Cornwall was at the centre of the controversy, having been charged by opposition leader R.B. Bennett with having a pecuniary interest in the railway. However, Cornwall was eventually exonerated, having disposed of any interest in the railway before his election to the legislature.[29]

Cornwall, although perhaps the most successful, was only one among the many settlers who saw the opportunity for pursuing their own personal interests while contributing to the growth and development of Edmonton and the opening of Northern Alberta. From the time of the Klondyke gold rush, Edmonton merchants had been aware of the potential for capitalizing on any activity in the north and of the importance of establishing control over northern resources. In fact, as early as 1883 the Edmonton Bulletin had been proclaiming:

> The timbered regions of the Athabasca, the farming lands of Peace River, the gold bearing

> Liard, the fur country of the MacKenzie, the salt deposits of the Great Slave or lower Peace River, the petroleum beds of the lower Athabasca, the fisheries of the mightly lakes all will have to seek some point on the Saskatchewan as their outlet and market. To possess the trade of such a country, when developed, must build up a great city, and what place more likely to possess that trade than Edmonton?...It is on the certainty of possessing the trade of this immense region that the more brilliant prospects of Edmonton are principally founded, and that they are well founded does not admit of the shadow of a doubt.[30]

Summary

In an economy which is heavily reliant on the exploitation of natural resources, the growth and prosperity of the major metropolitan centres is highly dependent on the ability of those centres to control the development and trade of the natural resources of the country's hinterlands. The metropolitan areas of Ontario and Quebec, through the instrument of the National Policy, were able to exert such control over the development of the prairies. The history of the prairie provinces has often been viewed more or less in terms of this sort of metropolis/hinterland dialectic. The federal government's control of natural resources (until 1930), railway policy, and tariffs have been cited as instruments of metropolitan dominance. Similarly, much of the written history of the West deals with the various movements of rebellion against such dominance.

Less prominent in our social and historical tradition is a concern with the concentration of power in various towns and cities of the hinterland itself. These centres, too, have prospered or declined according to their ability to control the exploitation and trade of valuable natural resources in their hinterlands. The interests of the regional metropolis in the natural resources of its hinterland must be promoted and defended against the power of the national metropolis, other competing regional towns and cities and against any elements of the hinterland population which might attempt to appropriate the resources of their region to local control for locally defined resource use priorities which might conflict with the requirements of the regional metropolis. For the town of Edmonton this meant a perpetual state of conflict with the federal government, with other prairie communities and with the native people of Northern Alberta, for control over the natural resources of the northern hinterland.

CHAPTER FIVE

INDIAN RIGHTS AND THE NATURAL RESOURCES OF NORTHERN ALBERTA

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INDIAN RIGHTS AND THE NATURAL RESOURCES OF NORTHERN ALBERTA

The preceding chapters of this thesis have dealt with the process whereby first the fur trade and then the federal government expanded their influence into the hinterland of the Peace and Athabasca, and with the subsequent growth of the political power of regional metropolitan interests on the prairies.

Since 1905 the government of the Province of Alberta has been the primary political instrument through which the northern part of the province has been developed in the interests of established prairie communities of the central and southern parts of the province. The Indians of Northern Alberta, as both residents of the new hinterland and as 'wards' of the federal government were in a position to be affected directly by the northern development policies of the provincial government as well as indirectly by changes in the balance of power between federal and provincial governments. The effects of changes in this metropolis/hinterland structure upon the access of Indians to the natural resources of Northern Alberta will be explored in this chapter, with particular reference to Indian reserve lands; hunting, fishing and trapping rights; and the development of political movements for the protection of Indian rights.

Indian Reserve Lands

For most of the Indians of the Peace and Athabasca regions, the Treaty 8 provisions for reserve land and agricultural assistance had been of little interest. Agricultural settlement had not occurred in most areas aside from the small experimental farms of the missions and fur trade posts and consequently the Indians neither felt threatened by impending settlement nor enticed by the example of successful farmers to abandon their life of hunting, fishing and trapping. Conditions would not change until the effects of settlement were gradually extended into every corner of Northern Alberta, bringing farmers to some areas, and trappers, commercial fishermen, lumbermen, sportsmen and oil field workers to other areas. However, in some localities - Lesser Slave Lake and the valley of the Peace River in particular - scattered settlement was already occurring as a consequence of the gold rush, and pressure for the limited amount of proven agricultural land was felt immediately after the signing of the treaty.

Until 1908, the entire area of Treaty 8 was administered by a single Indian Affairs field official, Inspector H.A. Conroy, who made an annual tour through the communities.

This tour by steamer, scow and wagon generally allowed time for a stop of one or two days in each community, in which time Conroy was expected to pay annuities, distribute rations, discuss requests for reserve land and agricultural implements and deal with any complaints from the band. Any concerns of the band which were not dealt with in this time would have to wait until the following year unless the band or a sympathetic missionary or trader could write to Ottawa.

The first Indian agency of the Treaty 8 area was established in 1908 at Lesser Slave Lake, with a staff of one agent, who also acted as medical officer, and one clerical assistant.[1] A second agency was established at Fort Smith in 1911 to serve the northeastern part of Alberta.[2] Although these agencies provided somewhat more frequent contact with bands in close proximity to the agency headquarters, more distant bands continued to have little contact with Indian Affairs personnel.

The early establishment of the agency at Lesser Slave Lake was a consequence of the relatively early influx of settlers to the region and the early selection of reserves by the Indian bands. As early as 1900, the Lesser Slave Lake Band, under the leadership of Chief Kinoosayo, asked for the survey of a reserve, and the provision of ploughs, seed, oxen, cows and food supplies for the seeding and haymaking seasons. They also asked for someone to teach them to farm and to build houses and for employment for those people with wagons and horses for freighting.[3] Although the government was not eager to see the Indians abandon hunting so soon and was even less eager to incur the expense of assisting them to farm, the possibility of conflicting claims between settlers and Indians prompted the immediate selection of certain reserves in 1900.[4] Two of these reserves (Driftpile and Sucker Creek) were surveyed in 1901, along with three small reserves at the west end of Lesser Slave Lake. Two other reserves were surveyed on the lake in 1912, by which time the band had evolved into four distinct bands, (Sucker Creek, Driftpile, Swan River and Sawridge) each with its own reserve lands.

The Duncan Tustawits Band requested a reserve and farming assistance in 1900, and had its reserve surveyed at Peace River Crossing in 1905. (For the dates of survey of the first lands allotted to each of the Treaty 8 bands see table, page 134).

The fact that the treaty clauses regarding reserve land had been poorly understood became apparent with the first surveys. Kinoosayo and Moostoos asked for "...all the land lying for many miles back of the whole southern shore of Lesser Slave Lake", an area much larger than their entitlement under the treaty.[6] Although there are indications that the size of reserves was often disputed, only at Sturgeon Lake did it become a protracted conflict. The Sturgeon Lake Band refused to accept the amount of land offered to them in

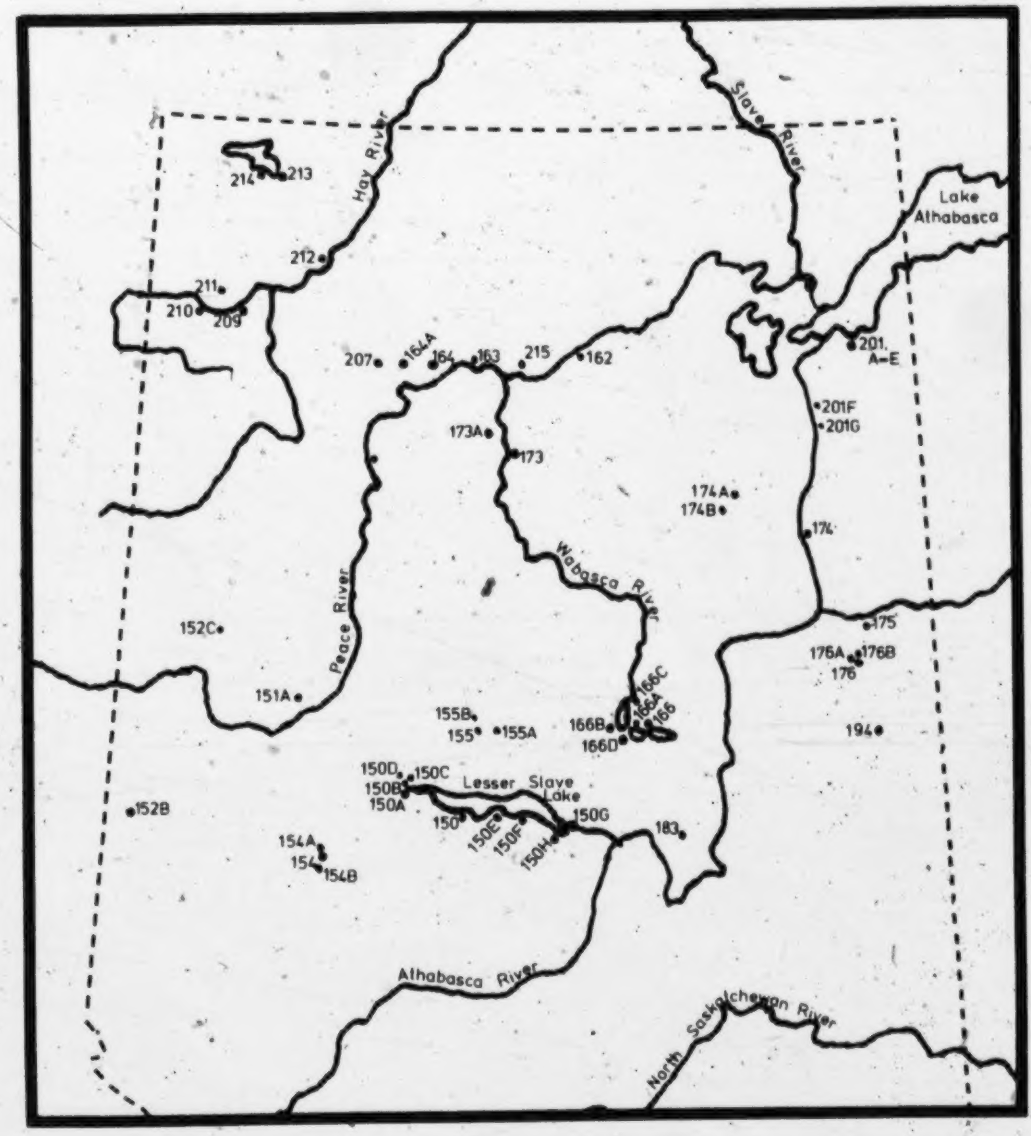
Hay River
Slave River
Lake Athabasca
214
213
212
211
210
209
207
164A
164
163
215
162
201 A–E
201F
201G
173A
173
174A
174B
174
Wabasca River
Peace River
152C
151A
175
176A
176B
176
194
155B
155
155A
166B
166D
166C
166A
166
150D
150C
150B
150A
Lesser Slave Lake
150
150E
150F
150H
150G
183
152B
154A
154
154B
Athabasca River
North Saskatchewan River

FIGURE 3: INDIAN RESERVES OF NORTHERN ALBERTA, 1977.

(for names of bands, see Table 1)

Table I

Bands and Reserves of Northern Alberta, 1977

Name of band	Date of survey of first reserve	Reserves held (1977)
Driftpile	1901	#150
Sucker Creek	1901	#150A
Grouard	1901	#150B; #150C; #150D
Swan River	1902	#150E; #150F
Duncan's	1905	#151A; #151K
Beavers of Horse Lake and Clear Hills	1905	#152B; #152C
Sturgeon Lake	1908	#154; #154A; #154B
Utikuma (Whitefish Lake)	1908	#155; #155A; #155B
Sawridge	1912	#150G; #150H
Little Red River	1912	#162; #215
Tall Cree	1912	#163; #173; #173A
Boyer River (Ambrose Tete Noire)	1912	#164; #164A
Wabasca	1913	#166; #166A; #166B; #166C; #166D; #183
Fort McKay	1915	#174; #174A; #174B
Fort McMurray (Gregoire Lake and Clearwater River)	1915	#175; #176
Janvier	1922	#194
Chipewyan of Fort Chipewyan	1931	#201; #201A-#201G (incl.)
Slaves of Upper Hay River	1946	#207; #209; #210; #211; #212; #213; #214
Crees of Fort Chipewyan	----	----
Lubicon Lake	----	----

1905 and insisted that the amount of land promised in the treaty was much greater.[7] It was not until 1908 after the band had realized that they would not be able to get more land and had apologized for their earlier protest that the Sturgeon Lake Reserve was surveyed in accordance with the written text of the treaty.[8]

Several conflicts occurred with regard to the locations selected for reserves. In some cases the interests of settlers were allowed to override those of the Indians while in other cases the Indians' choice of land was refused for reasons of administrative convenience for Indian Affairs personnel.

When the Sawridge Band placed its request for reserve land in 1911, a group of twenty-nine settlers from the area sent a petition of protest to the Minister of Interior and to Hon. Frank Oliver who had left that position earlier in the year after the electoral defeat of the Laurier government. The settlers protested "...against the Indians getting their reserve in different parcels of land which is surveyed and fit for agriculture."[9] The amount of good agricultural land in the vicinity was very limited and the settlers were concerned that the proposed reserve would inhibit further settlement. Instead they proposed that the Indians should be given a single block of land outside of the area already surveyed, leaving the good agricultural land open for settlement. On the grounds that homestead applications had been made on some of the land, the Department of Interior took up the settlers' cause and refused to reserve the land for the Indians, despite strong evidence that the Indians had occupied some of the land for many years and that their claim was well known locally prior to the homestead entries. The Indian agent then redrew the boundaries of the reserve to exclude all areas on which homestead applications had been made before the reserve request had been registered with the Department of Interior. The headman of the Sawridge Indians protested against the homesteads and urged the government to survey the reserve as soon as possible. However, the Department of Interior was not satisfied with the alternate site chosen by the agent and proposed that the Indians be given a particular block of land which had been described by the agent as muskeg and swamp and unfit for farming. After losing several more pieces of land to homesteaders, and 500 acres of waterfront to a railway townsite application, Indian Affairs was able to protect several sections of farm land for the band, but the largest block of reserve land was selected in a heavily forested area.[10] Department of Interior officials were still upset that "...the Indians should be located almost in the heart of a district which is bound to be taken up at an early date by a numerous white population."[11]

Similar conflicts with settlers' rights at Fort McKay and at Swan River resulted in the Indians losing portions of reserve land. At Fort McKay the band was unable to obtain the settlement lots on the Athabasca River which they had occupied since prior to the treaty. Competing claims were recognized by the Department of Interior over the strong protests of the surveyor and other Indian Affairs officials.[12] At Swan River, three homestead applications of 1913 were made on land which had been selected and surveyed for a reserve and which Indian Affairs had asked Interior to reserve from disposition.[13] The Indian agent reported that "...the Indians feel that this land is theirs and will feel that they are unjustly treated if forced to give it up."[14] The Department of Interior was asked for a report on the dispute in 1914, but waited until the homestead entries had been confirmed in 1920 before replying that the land was not available to the Indians.[15]

The Indian Affairs agents and administrators generally attempted to uphold the rights of the Indians against those of the settlers who were represented by the powerful Department of Interior.[16] Their action on the selection of reserve lands was generally guided by a paternalistic concern that the Indians received land of good quality.[17] However, in some cases the primary concern was to minimize the expenses of surveying the reserve and administering the band's affairs. The attempts to minimize surveying expenses led to a policy of deliberately discouraging Indians from selecting land in numerous small parcels[18] despite the fact that the treaty had specifically provided this option to suit the supposedly different settlement patterns of the forest Indians as compared with Indians of the southern prairies. In other cases, requests for land for bands in remote areas have been denied or ignored because the chosen land would have been difficult to administer. The Lubicon Lake Band first selected a reserve site in 1946, and the land was temporarily reserved for that purpose.[19] However, the temporary reservation was lifted when the Superintendent of Indian Agencies concluded that the site was too isolated for easy access by road.[20] Since that time the band has been offered several more accessible sites but has persisted in requesting land in the vicinity of the former temporary reservation.[21]

Unaccustomed as they were to the geography of the Athabasca District and the living conditions of its Indian inhabitants, the Commissioners for Treaty 8 expected that these Indians would follow the patterns of other Indians and select reserve land only for the purpose of agriculture. In many areas the Indians continued to show little interest either in reserves or in agriculture although some bands selected reserve land without much consideration given to its agricultural potential, often because there was no valuable agricultural land in their areas.

As indicated in Chapter 3, the farming provisions of Treaty 8 were based on previous treaties and were regarded by the Indians as a general commitment to provide assistance when the Indians indicated an interest in farming. Furthermore, the Indians clearly understood that it was not within the government's discretion to determine whether any or all of the promises of agricultural assistance would be actually implemented. Such promises were seen not as merely a matter of government policy, to be over-ruled by other policies, but a matter of treaty rights, as binding as the Indians' agreement to allow white settlement. When, in 1932, the Indians of Lesser Slave Lake complained that the farming assistance had not been provided as stipulated in the treaty, the Secretary of Indian Affairs attempted to brush off the complaint:

> The file in connection with expenditures under the Treaty is very voluminous, and at the present time it is not possible to examine it to ascertain if every detail has been followed. It may be said however that these expenditures have entailed more than the Department has been called upon to make, and in the circumstances it is not considered that the Indians concerned can reasonably complain.[22]

The Agency Inspector, M. Christianson, doubted that the Indians (who had shown him a copy of the treaty)[23] would be satisfied with such a facile response:

> The Indians may have received certain consideration there that was not mentioned in the Treaty, but I believe the actual terms of the surrender were not carried out: viz., - the supplying of cattle, implements and food for a month in the Spring when they commenced working on the land. Therefore, the Indians will insist on the terms

> of the Treaty being carried out to the letter. The whole Band from the reserves around Lesser Slave, interviewed me last summer, and no doubt will do so again on my next visit there. In any event, unless an agreement had been made direct with the Indians that they were to get certain other considerations in lieu of cattle, implements and food supplies in the spring, they will demand that that part of the Treaty be carried out.[24]

In the immediate post-treaty period there were several obstacles to the development of farming on Indian reserves, aside from the lack of good land in some areas. Hunting, fishing and trapping continued to offer a more reliable economic foundation for several years and until railways were completed to Edmonton there was no external market for crops or livestock. Other forms of labour including freighting and supplying wood and hay to settlers were more easily adopted.[25]

In addition to all of these constraints on farming in Northern Alberta, the level of assistance to Indian farmers provided by Indian Affairs was below what might have been expected from the treaty provisions, and certainly less than adequate for a successful transition to a new economic base. Even after railways had been constructed and some bands had demonstrated a strong interest in farming, the federal government was reluctant to incur the expense of providing stock, implements and instruction in farming.

The greatest shortcoming in the government's assistance to Indian farmers was the lack of qualified instruction and supervision. As early as 1900, bands in the Lesser Slave Lake and Peace River districts were asking for a farm instructor, and several times over the following three decades their requests were strongly supported by the local Indian Affairs personnel. In the first decade after treaty, some bands received cattle, farm implements and seed and were able to make steady improvements in the cattle industry and the cultivation of gardens. However, the bands recognized that they would not be able to learn to farm on a large scale without guidance, a view which was generally shared by local personnel of Indian Affairs. The Lesser Slave Lake Agency did not acquire a farm instructor until 1929 and he was forced to replace the retiring Indian Agent the following year. A new farm instructor was not appointed until 1933, by which time the relief and medical expenses of the agency were being described as 'astounding' even considering the large size of the agency.[26]

The severe understaffing of agency personnel was also common in the Fort Smith (or 'Athabasca') Agency. Furthermore, the small staff and the capital expenditures of this agency were directed almost as much towards serving the non-Indian community as towards serving the Indian bands.

When the Fort Smith Agency was established ~~in~~ 1911 it included an agent, a farmer, an interpreter and an engineer.[27] The farmer was provided with "...a full compliment of agricultural implements"[28] and the engineer was responsible for assembling and operating a saw-mill. The agent served as magistrate, coroner and mining recorder for the district and also operated a meterological station.[29]

The farmer established a small experimental farm designed to investigate the feasability of farming that far north, as much for the benefit of potential white settlers as for the Indian people.[30] As early as 1915 the Treaty 8 Inspector was indicating that such experiments should be conducted on the budget of the Department of Agriculture, and that the agency had "...no earthly use for a Farming Instructor."[31] We have seen no archival evidence that the Indians of the Fort Smith area ever expressed an interest in farming nor were given substantial assistance in farming. While Indian farmers at Lesser Slave Lake were seeking in vain for assistance in farming their good land, the Department of Indian Affairs was conducting an agricultural experiment at Fort Smith where Indians had not yet selected reserves.

The Fort Smith saw-mill, erected in 1911, was one of the major expenditures of the agency until it was granted to the Department of Interior in 1922, incurring substantial annual operating costs.[32] The Secretary of Indian Affairs explained to the local agent that the initial purpose of the mill was to supply lumber for the construction of the agency buildings and then "...after the Agency had secured all that was necessary, as much as possible was to be delivered to the Missions, the Companies, and the Settlers...."[33] On at least two occasions the Department of Indian Affairs attempted to close the mill because it was a drain on the budget, but was dissuaded from taking that action by Bishop Breyant who required lumber for the completion of his Fort Chipewyan hospital[34] and by J.K. Cornwall who "...brought to my [the Secretary of Indian Affairs] attention the serious scarcity of lumber in the North."[35] Although the mill provided some occasional work and sold small amounts of lumber to Indians, these functions were clearly insignificant in relation to its function in constructing agency buildings and supplying the non-Indian community with lumber.[36]

The Fort Smith Agency undoubtedly increased the government's presence in the North and performed many important public services. However, in the thirteen years prior to the transfer of the agency headquarters to Fort McMurray in 1924 when it became known as the Athabasca Agency, little of the expenditure could be justified in terms of positive benefits to Indians in employment, training, services, or the development of alternatives to the fur trade.

The bands of the Fort McKay, Fort Chipewyan and Fond du Lac areas showed very little interest in agriculture due to the scarcity of good farm land in the region. Some people showed an interest in planting a few potatoes and vegetables and the Department of Indian Affairs encouraged such gardens because they reduced the relief requirements. Simple garden tools were supplied by the Department.

Most of the bands in the Athabasca region selected reserve land without much consideration given to its agricultural potential, either because there was no valuable agricultural land in their area or because the band was more interested in other economic potential of the land. Reserves may have been selected because they bordered on good fishing lakes, or contained good trapping areas or a quantity of timber or mineral resources, or some combination of these factors. However, the provision of good agricultural land was an important consideration in the selection of Reserves #175 (Clearwater River), #176 (Gregoire Lake) and #194 (Janvier). The former two reserves were surveyed in 1915, and Janvier in 1922.

Surveyor Donald F. Robertson reported that the Clearwater River Reserve included "...a sufficient supply of hay and some excellent timber.... The soil on the timbered portion is good sandy loam, and that on the other part is also good, but more shallow." With reference to Gregoire Lake he indicated that "...about 400 acres of this is fine hay-land, and this reserve is excellent for stock-raising."[37]

For several years prior to the 1915 surveys of these two reserves the Indians of the Fort McMurray area had been living under very difficult circumstances. The area was relatively poor in fur-bearing animals,[38] and the townsite of Fort McMurray was attracting numerous land speculators.[39] Whether because of poor fur catches or the influence of the booming frontier town in their midst, the Indians of the McMurray area were apparently among the first in Treaty 8 to begin to abandon hunting, fishing and trapping as a way of life. Reports of Inspector Conroy and Mounted Police patrols often referred to them as lazy, poor, and more interested in staying at the fort than in hunting or trapping to provide for themselves.[40]

By the time that the 1915 surveys were made at Gregoire Lake and Clearwater River, the bands appeared to be showing some interest in making an attempt at agriculture. In fact at least one year prior to the reserve surveys they were making efforts to till the soil. Because of these efforts and because of the richness of the soil of the proposed reserves, Conroy asked that the Chipewyan band of the Fort McMurray area receive two dozen spades, two dozen hoes, one dozen grub hoes, one dozen hay forks, one dozen scythes, and one dozen hay rakes and that the Cree band receive half this quantity of tools. The bands had made an earnest appeal for these tools at the 1914 treaty payments.[41]

These tools requested by Conroy were provided in 1915 out of a total sum of $180.00 provided for tools (and freight costs) for the Athabasca area (the remainder of the sum purchased a tool chest for the Fond du Lac Indians).[42] Once the reserves were surveyed, Conroy felt that the Department should encourage the bands to live on the reserves.

> The most effective manner of achieving this object would be to appoint a farm instructor to have direct supervision of these bands and to grant the Indians a certain measure of assistance in the nature of agricultural implements, seed-grain etc. The tools sent in this year to these bands were greatly appreciated, and care was exercised that they were distributed only to those Indians who, in the opinion of the headmen, were willing and able to utilize them in a proper manner.[43]

Conroy's recommendations concerning a farm instructor were not implemented and very little farming assistance was provided in the following years. We have been unable to determine precisely what farming implements were given to each band in the Athabasca region, due to the fact that many of the relevant Indian Affairs files have been destroyed, and Auditor General's Reports are not broken down beyond the agency level. However, some tentative conclusions might be derived from the data available.

These three reserves (Gregoire Lake, Clearwater River and Janvier) were the only three real 'farming' reserves in the Athabasca Agency. They were selected by the bands largely for their agricultural potential. It was the expectation of local Indian Affairs officials and of the Indians themselves that such lands would permit the transition to agriculture as hunting, fishing and trapping declined in importance. This expectation clearly conforms to the spirit of Treaty 8 and was provided for in the terms of the treaty.

Of the three bands being discussed, the Janvier Band appears to have been the first to attempt farming, and managed to care for a small number of cattle from prior to the survey of their reserve, throughout the period researched. However, by 1924 all three bands had shown an interest in farming beyond the gardening practices encouraged by the policy of the government.

Throughout this period, agents and inspectors at various times indicated that the bands were interested in farming; that they requested assistance; that they had good land which was not being developed to its fullest potential; that markets existed for farm products; that they did not have adequate implements; and that they would require a farming instructor. However, by the 1940s the Gregoire Lake reserve had been virtually abandoned; the Clearwater River people reported that they had not received any assistance since being provided with gardening tools in 1916, and were still asking for some basic farm machinery; and the Janvier Band had only the cattle they had purchased themselves and some minor farm implements. All three bands were still being administered by a solitary agent in Fort Chipewyan.[44]

The failure to provide stock was a clear violation of the written terms of Treaty 8. Although precise data is not available it would also appear that the provision of implements may not have been sufficient to meet the terms of the treaty. The government's failure to live up to these terms was consistently defended by the belief that such assistance would be wasted without adequate supervision and instruction. Yet repeated requests and recommendations for such supervision and instruction were ignored. Clearly, the Department of Indian Affairs maintained the position that the timing and extent of farming development was determined by the policy of the department, not by the wishes of the Indian bands, the recommendations of its own field staff, or the terms and spirit of the treaty.

Following a pattern established with the earlier reserve surrenders on the southern prairies, the failure of Treaty 8 Indians at farming led to pressure to surrender their land to settlers who would put it to better use. Offers from individual settlers to buy reserve land near their farms were usually turned down by Indian Affairs with a simple statement to the effect that no lands were available for sale. Pressures from organized groups of settlers, through their political representatives, were not as easily resisted. Following World War I, several petitions called for surrenders of the reserves of the Duncan's Band and the Beaver Band of Dunvegan in the fertile Peace River block. Minister of the Interior Arthur Meighen, acting on advice from the local Member of Parliament to the effect that land was urgently required for war veterans, demanded that Indian Affairs make these reserves available for settlement.[45] The Department of Indian Affairs concluded that there was much good Crown land still available and that land prices in the area were so low that the Indians would not be well served by a surrender.[46] However, by 1928 there was still little evidence that the bands were utilizing the land, land prices had climbed considerably and the bands appeared willing to surrender land in exchange for cash, farm implements and livestock. The Department of Indian Affairs dropped its resistance, and obtained the surrender of 4,267 acres from Duncan's Band and the entire Dunvegan Reserve, the proceeds from the latter being used to purchase a new reserve at Clear Hills, outside of the region of prime agricultural land.[47]

In 1916 the Swan River Band surrendered forty-four acres from the middle of its reserve for a townsite on the Edmonton, Dunvegan and British Columbia Railway. The residents of this new village felt that the further development of their community was constrained by the surrounding reserve and repeatedly sought further surrenders. By 1927 the Premier of Alberta was asking that idle reserve lands in the Lesser Slave Lake region be made available to settlers. Indian Affairs refused to consider surrenders at Driftpile Reserve where the band was making good use of its land and at Sucker Creek Reserve but did support a compromise at Swan River - the surrender of a portion of the reserve (4,551 of 11,528 acres). The band, however, voted unanimously against a surrender.[48]

The land and settlement policies of the federal government prior to 1930 were subject to strong political pressure from a variety of interests representing the settlers and merchants of the West, through local organizations and newspapers, the provincial governments and the Department of Interior. The relative impotence of the Indian Affairs administration in the face of this pressure is evident in the number of cases in which it failed to uphold Indian interests in land.

The agreements of 1929 and 1930 which transferred control of the natural resources of the prairie provinces from the federal government to the respective provincial governments, represented the beginning of a new phase in the history of Indian land rights in Northern Alberta. Since 1930, the competing land interests of all other elements of the Alberta population were represented almost exclusively by the Alberta government, while the federal Department of Indian Affairs retained its responsibility for Indian lands. Now, more than ever before, the power of the settlers and of regional metropolitan interests was concentrated in a state apparatus firmly under their control and in possession of most of the lands of their northern hinterland.

The resource transfer agreements contain two clauses specifically designed to safeguard the natural resource rights of Alberta Indians as provided in Treaties 6, 7 and 8. One of these clauses deals with hunting, fishing and trapping rights and will be discussed in a later section of this chapter. The other clause specifically exempts Indian reserve lands from the transfer and provides that,

> ...the Province will from time to time, upon the request of the Superintendent General of Indian Affairs, set aside, out of the unoccupied Crown lands hereby transferred to its administration, such further areas as the said Superintendent General may, in agreement with the appropriate Minister of the Province, select as necessary to enable Canada to fulfill its obligations under the treaties with the Indians of the Province, and such areas shall thereafter be administered by Canada in the same way in all respects as if they had never passed to the Province under the provisions hereof.[49]

An earlier draft of this agreement, dated January 9, 1926, did not contain the phrase "...in agreement with the appropriate Minister of the Province." It would appear that this phrase was added shortly before final ratification of the agreement.[50] The Department of Indian Affairs has interpreted this clause to mean that the Dominion would determine the amount of land due to a band but the Province would have a voice in the location of the lands and that there must be complete accord between the two governments.[51] If this interpretation is correct it would suggest that the Province could exercise a virtual veto power over land entitlement by objecting to all proposed reserve locations.

The nature of the federal-provincial relationship concerning Indian land, as stipulated in this clause, has never been precisely defined by subsequent agreements nor by court decisions. Rather, the success of the bands in acquiring land has been dependent on particular circumstances of each claim. In cases where an apparently valid request for land was not acted upon it is not always possible to determine whether the resistance to the request came from the federal or the provincial government. In some cases the federal government might have challenged the validity of the request in anticipation of provincial resistance. Furthermore, as a matter of policy, the Department of Indian and Northern Affairs restricts the access of researchers to federal-provincial correspondence. Despite these difficulties, available evidence on the efforts of certain isolated communities to obtain reserve land provides a basis for some tentative conclusions on the handling of land entitlement claims since 1930.

The official report of the Treaty 8 Commission of 1900 noted:

> There yet remains a number of persons leading an Indian life in the country north of Lesser Slave Lake, who have not accepted treaty as Indians, or scrip as half-breeds, but this is not so much through indisposition to do so as because they live at points distant from those visited, and are not pressed by want.[52]

According to Father Giroux, one of the earliest missionairies in the area, "The Indians around Trout Lake, Chipewyan Lake, Loon Lake and Whitefish Lake were scared of white men and hesitated to come into treaty. They continued to live the Indian life and have medicine men".[53]

In subsequent years many people from the isolated communities were taken into treaty and added to the band lists at the points where they were paid. Most of the people from Chipewyan Lake, Trout Lake, Long Lake, Peerless Lake and Sandy Lake were added to the lists of the Bigstone Band of Wabasca. Most of the people from Lubicon Lake and Loon Lake were added to the lists of the Utikuma Lake (Whitefish Lake) Band.[54] It would seem that throughout the 1920s and 1930s the Indian agent continued to admit people to treaty provided that they had some Indian blood and had not taken scrip.[55] The treaty payment lists show that after taking treaty for the first time these people were often listed as 'absent' for several years or would send someone else from their community to collect their money. But because they did not have reserve land, treaty status meant little more to these people than five dollars per year.

By 1935 there were substantial numbers of treaty Indians in some of the isolated communities and they began to request that their autonomy be recognized and that reserves be set aside for them. A report by the Indian Agent on July 6th, 1935 recorded one such request:

> Joseph Cardinal representing the Indians of Chipewyan Lake and Trout Lake requests the appointment of two councillors, one at each of these points. He states that these Indians are receiving none of the benefits that they would be entitled to under treaty. They have no councillor to represent them before the authorities; they never see the Indian Agent unless they travel the 75 miles to Wabasca and they never receive any twine or ammunitions as other Indians do. He says there are more than 170 Indians at Trout Lake and over 200 at Chipewyan Lake. They are living under fair conditions he states; are not asking for any help that they would not be entitled to. Having no reserves of their own is also a drawback to most of them. He wishes that the Department would take cognizance of their situation and take the steps to rectify same.
>
> Have sought information from the local Headmen of Wabasca who affirm that the Indians of Trout Lake and Chipewyan Lake do not belong to the Wabasca Bands from the Indian's point of view, that they have an identity of their own. The number of resident Indians at both points is sufficient to warrant the appointment of two Headmen and I would pray the Department to grant their application as a first step to bring about a gradual rectification of their standing as a band.[56]

The 1937 annuity lists indicate that Colin Auger and Chillouis Thomas (Joe Cardinal) were elected Headmen for Trout Lake and Chipewyan Lake, respectively.

It appears that there was no immediate action on the request for a reserve, however the issue was raised again in the summer of 1938 at a meeting at Long Lake attended by the Indian Agent. As a result of this meeting the Agent (N.P. L'Heureux) made a formal request to Indian Affairs on behalf of the Indians for the survey of a reserve on the northeastern shores of Graham Lake (Trout Lake) and completely surrounding Skunk Lake.[57] Our archival research has not determined whether or not there was an official response to the request. However, according to Colin Trindle (Auger), 75, who was serving as councillor at Trout Lake at that time, someone did come to the area to survey a reserve:

> His outline of a reserve included half of Peerless Lake. The other half would be open for other people for fishing...That area was to be marked off, but somebody in Wabasca looking after our business stopped the whole thing. When he left another man took over and he asked me what had happened to the metal pegs for marking off the Indian reserve. I didn't know there were any around.
>
> There was only one whiteman here, I took the government man, while he was outlining the reserve. I told him that this man had much land cultivated with many buildings. What would become of him? His reply was: "he'll have to move, he has no right here. It is government land". It was him who complained later on. He was talking with the gentleman who lived here. Maybe they got together in outlining the reserve land. But the line runs into the lake and there is a peg (land description) where he started from. The area is square including half of the surrounding lakes.[58]

The settler referred to by Mr. Trindle was probably A.M. Fisher who wrote to the Department of Indian Affairs saying that he had a farm on the east side of Peerless; that he understood there was going to be a survey for a reserve; and asking that his farm be excluded from the reserve.[59]

Once again in 1941 Agent L'Heureux reported to the Secretary of the Department of Indian Affairs:

> The Bigstone Band is a large band scattered over a wide territory. I have been wondering if the

> Department would consider dividing that band at some future time. The membership actually residing on Reserve 166, A, B, C, and D and in the immediate vicinity does not exceed 500 persons, the remainder of nearly 400 persons being paid at Trout Lake, Chipewyan Lake, Calling Lake, Little Red River and Fort Vermillion.[60]

The possibility of dividing the Wabasca band was raised again in 1947 by Mr. McCrimmon of Indian Affairs in a letter to the new Agent, Adrien Landry, but no action was taken.[61]

By the mid 1930s Indian Affairs had recognized the necessity of surveying additional reserve lands for the Wabasca band to provide for the large number of people who had been added to the band lists since the original surveys of 1913. T.R.L. McInnes, Secretary of the Indian Affairs Branch at the time, calculated that 213 people had been added from 1913 to 1936 inclusive, entitling the band to 27,264 acres plus 4,480 acres which was outstanding in 1913, giving a total entitlement of 31,744 acres.[62] Indian Affairs advised the Province of Alberta that because non-treaty Indians were still joining the band it would not be necessary to select all of this land immediately.[63] Accordingly, Reserve #166 D was surveyed in 1937 (15,820 acres). In December, 1937 F.H. Peters, Surveyor General for the federal Department of Mines and Resources suggested to Indian Affairs:

> Based on the increased population of the band due to non-treaty Indians joining it up to 1936, the Wabiskaw Indians are entitled to 15,924 acres in

> addition to the lands now selected, but based on the [total] 1937 population of 761, the band would be entitled to a total area of 97,408 acres or 44,236 acres in addition to those now selected...It is suggested that when an officer of your Branch who is familiar with the requirements, visits the locality, he be instructed to select as much as possible of the lands to which the band is still entitled.[64]

Despite this apparent recognition of an outstanding entitlement for the people of the Wabasca band lists and of the separate identity of the isolated communities, no action was taken to give formal band status and reserve land to each community. Instead, in 1942, the Indian Affairs Branch launched an inquiry into the reasons for the rapid expansion of the membership lists in the Lesser Slave Lake Agency. As a result of the inquiry over 600 people were removed from the lists, the largest number (207) being struck from the Wabasca lists.[65] This action was taken in the belief that a large number of people who had been added to the band lists in the previous two decades were ineligible because their fathers or grandfathers were white or Metis. Protests over the expulsions resulted in a judicial enquiry before which the Indians and their supporters argued, quite correctly, that the treaty had offered people of mixed blood who were leading the life of Indians to choose between treaty status and Metis scrip. As a result of the enquiry it was found that some of the people added to the band lists in recent years were the descendents of men who had chosen scrip and were therefore ineligible for band membership, but a large number of those expelled in 1942 were from families which had never taken treaty or scrip prior to joining the band, and it would appear that most of these people were reinstated.[66]

The fact that this effort to reduce the membership of bands of the Lesser Slave Lake Agency occurred soon after recognition of the extent of outstanding land entitlement of these bands and the fact that thereafter the Indian Affairs Branch did not recognize the separate identity and separate entitlement of the isolated communities as had been suggested earlier, raises the possibility that the explusions occurred as a result of fears that the Province would be reluctant to provide additional land for such a large number of people.[67] For whatever reasons, the Indian Affairs Branch has never followed the recommendations of its local officials in the 1930s. In recent years the land rights of these communities have become the subject of a major land claim.

Even in cases where the existence of an outstanding land entitlement is beyond dispute, the problem of calculating the extent of entitlement has been a source of conflict. The Cree Band of Fort Chipewyan has never received any of its treaty land although neither level of government disputes the existence of an entitlement. The federal government and the band have agreed to calculate entitlement on the basis of the population of the band on December 31, 1972 but the provincial government has not committed itself on this issue. In the meantime, a portion of the reserve land has been surveyed for the band within Wood Buffalo National Park, but the transfer of this land to the status of Indian reserve land is being delayed by the Province. Although the land, as a national park, is administered by the federal government, it would revert to the status of provincial Crown land as soon as its designation as park land had been lifted. The reluctance of the Government of Alberta to facilitate this transfer is based on considerations of whether or not to allow the mineral rights to go to the band, despite the fact that mineral rights have generally been included in reserve titles.[68]

Many other bands in Northern Alberta have sought additions to their reserves since 1930, either because they were given less land initially than the amount stipulated in Treaty 8 or because several families who had not been granted treaty status previously had joined the band since the survey of its reserve. The Department of Indian Affairs recognized both of these grounds as legitimate bases for receiving additional land.[69] However, the actual implementation of the land entitlement provisions tended to follow the pattern outlined above with reference to the isolated communities: land entitlement was calculated by Indian

Affairs personnel on the basis of generally liberal interpretations of Indian land rights but was seldom provided in the amounts calculated, if at all. Furthermore, the hesitation on the part of the federal government in recognizing the legitimacy of land claims appears to have been based on a reluctance to raise Indian expectations until the province adopted a more cooperative approach. In recent years, submissions to the federal cabinet from ministers and deputy ministers of Indian Affairs have emphasized the difficulty of persuading the prairie provinces to cooperate in the fulfillment of treaty land entitlement:

> At the present time, in the Prairie Provinces in particular, there are claims by Indian bands about the non-fulfillment of various Treaties - particularly as regards the allocation of lands. While not disputing that such treaties are not fully performed, the Department of Indian Affairs and Northern Development is faced with differences of opinion, on the part of both Indians and provincial governments concerned, on how the Treaty entitlement is to be discharged.[70]

Hunting, Fishing and Trapping Rights

Among all of the issues surrounding the implementation of Treaty 8, few, if any, have involved as much bitterness and conflict as the problem of controlling the activities of white hunters, trappers and fishermen and conserving fish and wildlife for the benefit of Indian people. Even prior to the treaty of 1899, the presence of non-Indians in the area and their effects on Indian hunting, fishing and trapping was causing concern among Indian people and in the federal government. The Indians' concern for protecting their traditional livelihood dominated the treaty negotiations to such an extent that one might have expected that the signing of the treaty implied an agreement between the parties on this issue, at least. However, the extent to which governments were to impose legal restrictions on Indians' access to fish and wildlife resources and the extent to which they were to restrict the access of non-Indian competitors became a difficult political issue in the decades following the treaty.

Archival evidence would seem to indicate that white competition in trapping was not a serious problem for several years after the treaty. Although Indian trappers continued to face year-to-year fluctuations in the success of their endeavours due to changes in the supply and demand for furs, the number of white trappers in the area did not pose a general threat to the viability of the industry. Furthermore, agricultural settlement was slow to advance in most areas. For several years during the first decade of the century, prices and yields were so high that freighting and boating companies were having difficulty finding Indians willing to work for them. One police report in 1906 described the Lesser Slave Lake area as "the Indians and half-breeds Paradise", resembling one immense Indian reserve.[71] When the Alberta Game Act came into effect in 1906 it was not applied to the part of the province north of fifty-five degrees latitude (roughly equivalent to the Treaty 8 area).

In the years immediately following the prairie Indian treaties of the 1870s, the federal government had tended to define Indian hunting, fishing and trapping rights by referring directly to the written terms of those treaties. However, by the time that Treaty 8 was signed in 1899, a more flexible definition, based on the government's general constitutional responsibility for the welfare of Indians, was being employed.[72] Under this latter definition the treaties were merely expressions of this responsibility, rather than its sources. The only attempt by the federal government, prior to 1905, to enforce game laws in the Treaty 8 area which might have been seen by the Indians as a denial of treaty rights, was the decision to continue the ban on hunting buffalo, as legislated in 1894 and first enforced in 1896.

The inclusion of most of the Treaty 8 area within the boundaries of the new Province of Alberta in 1905 drastically altered the politics of fish and wildlife conservation and Indian rights in the area, although the effects on the Indian peoples' use of resources would not become apparent for several years thereafter.

Alberta's first game laws, under the Alberta Game Acts of 1906 and 1907, did not apply to persons hunting for domestic purposes (food, clothing, etc.) north of the fifty-fifth parallel. The fact that these laws did not explicitly recognize the federal government's jurisdiction over Indians by excluding Indians south of the fifty-fifth parallel from the provisions of the legislation, touched off a dispute between the federal and provincial governments. In 1906 the Indian Act had been amended to assert that game laws in the prairie provinces, as well as in the North West Territories, would not apply to Indians without the consent of the Superintendent General of Indian Affairs.[73] At issue here was the question of whether the application of game laws to Indians was legislation concerning game conservation and therefore a provincial responsibility, or legislation concerning Indians and therefore a federal responsibility. At one point, in 1908, the Deputy Superintendent General of Indian Affairs took the position that Indians were not subject to a provincial ban on hunting beavers, only to be instructed by the secretary of Frank Oliver, the Superintendent General, "...to tell the Indians that they cannot kill beaver, because there are provincial laws against the killing of beaver."[74]

The federal government was reluctant to mount a legal or constitutional challenge to provincial legislation, partly because of a relative lack of success in such challenges in the older provinces and partly because of reports of serious threats to the conservation of some species. Instead, by 1912 it had adopted the policy of recognizing the right of the Province to legislate concerning Indian hunting, in exchange for certain concessions in favour of Indians such as leniency in the enforcement of regulations. The Province maintained a policy of refusing to grant any 'official' privileges to Indians. In cases where the federal government argued that a particular regulation might cause undue hardship for northern Indians dependent on fish and wildlife, exemptions were given to all northern residents with no recognition for any special rights of Indian people.[75] As the non-Indian population of the North increased, the effects on Indian people of this policy of 'non-discrimination' became more pronounced.

Competition from white trappers became a serious threat to the Indians'' livelihood after World War I, and continued to be a problem in the following decades. A number of factors led to this competition, most of them related to the increasing accessability of Northern Alberta and the increasing attractiveness of trapping relative to other opportunities in the South.

The first large wave of white trappers was attracted to the North by the brief period of exceptionally high fur prices following World War I. As early as 1917 Indians of the Fort McKay area complained that they were being crowded out of their trapping grounds by whites and that some of these white trappers who had been given poison permits to kill wolves were using the poison indiscriminately on all fur-bearing animals.[76] In 1919 and 1920 the high fur prices brought increasing numbers of trappers from outside.

Although fur prices declined after 1920, improvements in transportation in the 1920s, particularly the completion of the Alberta Great Waterways Railway to Fort McMurray, made the North much more accessible. It was now possible for well equipped trappers from the South to go into the North by rail for the trapping season. Improved transportation not only brought more whites into the area but also greatly reduced the need for Indian labour on river transportation, thus making Indian people more dependent than ever before on hunting, fishing and trapping.[77]

In 1923, the Minister of Interior, Charles Stewart, expressed his concern in the House of Commons:

> It cannot be denied that in northern Ontario, northern Manitoba, and indeed in the northern portions of Alberta and Saskatchewan, the white man is becoming a very strong competitor of the Indian in trapping and in hunting. We are receiving constant complaints from the Indians that they are being driven off their hunting grounds. It is generally conceded that the white man is a much more zealous hunter, covers a greater extent of territory, and takes more fur than the Indians, and is denuding the hunting grounds of the red man to such an extent that it is becoming a serious problem.[78]

Stewart went on to argue that increased grants for education must be approved to assist the Indian in changing the mode of his life.

The widespread unemployment of the 1930s brought another wave of unemployed persons into the trapping and trading business in the North, at a time when Indians were almost entirely dependent on hunting, fishing and trapping.

The effect of this competition from white trappers can not be measured solely with reference to the relative numbers of white and Indian trappers in the North at any given time. The white trapper's approach to the industry was very different from that of the native trapper and put far greater pressure on wildlife resources. White trappers tended to come into the North fully equipped with traps and provisions, and unlike the Indian who spent much of his time hunting to feed his family, devoted himself almost exclusively to maximizing his harvest of furs. As an outsider, he had less reason to be concerned for the conservation of wildlife.[79]

The Indian trapper was clearly unable to compete with the white trapper but was undoubtedly influenced by his practices. More vigorous and intensive trapping became a matter of survival as fur-bearing animals declined. The Minister of Interior, T.A. Crerar, explained to the House of Commons in 1938 that "...the Indian is naturally a conservationist; he is so by tradition and training, and no difficulty arises with him. But when an Indian sees white trappers trapping everything ahead of them, he considers he may as well do the same....[80]

From the early 1920s through the 1940s, officials of the Indian Affairs Department, both at the local and the national level, consistently recognized the white trapper as the major threat to conservation:

> The condition of the Indians in the northerly and outlying districts who are still dependent upon the chase for their livelihood has become a matter of grave concern to the department.
>
> During recent years there has been an alarming increase in the number of white trappers who are encroaching upon hunting grounds in the northern parts of the various provinces, which were formerly used by Indians only. White trappers are using poison extensively, and this illegal and vicious practice is becoming a grave menace to game conservation. Not a single instance of the use of poison by any Indian trapper anywhere in Canada has ever come to the attention of the department. It is felt that unless some protection is afforded, the Indian trappers in the northern regions, where other means of livelihood are not available, may become dependent, owing to the depletion of the game.
>
> Hunting and fishing are the aboriginal vocations of the primitive Indians. By immemorial usage the Indians are conservationists of the game and fish, and may be expected to continue so, if protected; on the other hand, if whites are allowed to deplete the fish and game on Indian hunting grounds, the Indians themselves will naturally take all they can, while they can, and there is grave danger that such a situation may bring about intensive competition between whites and Indians, ending in the virtual extermination of valuable species. Indian families, in most cases, are permanent residents, and their hunting grounds are recognized among themselves, and handed down from one generation to another, whereas white trappers are frequently of the itinerant class, whose practice is to trap out an area and then move elsewhere.[81]

The effects of this competition on the Indian population were drastic. Trapping had never provided most Indians with much more than the means of subsistence except in outstanding years, but now the viability of an entire way of life was being threatened. In the space of a few years, formerly excellent trapping areas such as that surrounding Fort Chipewyan had been reduced to the production of nothing but muskrats by 1930, and even these were depleting.[82]

For many Indians of the North the alternatives were starvation or dependence on government relief. As more and more Indians required relief the Northern areas of the provinces became a heavy drain upon the budget of the Department of Indian Affairs. After the depression of the 1930s some Indians in other parts of the country were able to find work in agriculture and other industries, thereby reducing the Department's relief budget. However, in Northern Alberta which contained large areas totally unsuitable for agriculture and which offered few opportunities in other industries, the Department's relief budget remained almost as high as during the worst years of the depression.[83] Without a viable hunting, fishing and trapping industry, the North would clearly remain in a state of depression and dependence.

Aside from the direct effect of reducing the supply of fur-bearers, white competition also adversely affected Indian trapping by necessitating the imposition of greater government restrictions on the industry, restrictions which applied to Indians as well as whites. The Province of Alberta found it necessary to impose closed seasons on various animals in order to conserve the supply.[84] The Province of Alberta also instituted a tax on furs, effective November 1, 1920. Although the tax was levied against the fur exporter rather than the trapper, it was generally conceded that the traders passed on much of the effect of the tax to the trapper by paying lower prices. In 1921 the Fort Chipewyan Indians complained about the tax, and the agent reported to his superiors that,

> Instead of this tax being paid by the traders, as I imagine was the intention, the trader deducts it from each pelt he buys. He may deduct the exact amount, or what his cupidity suggests. The Indians maintain that in many cases the tax amounts to more than their annuity.[85]

Aside from appealing to government to prevent white trappers from coming into the area or to set aside large areas for the exclusive use of Indian trappers, the Indian people were occasionally reported to have taken more drastic action in frustration. Individual clashes between Indian and white trappers became commonplace, and by 1926, Indians were being accused of burning down the cabins of white trappers[86] and setting fire to the forests to drive them away.[87] Ill feeling prevailed throughout the 1920s and 1930s, and local government officials made occasional references to the likelihood of a 'calamity'.

The intense competition from white trappers prompted a few of the Treaty 8 Indians to turn their attention to farming as an alternative to hunting and trapping.[88] For most bands, however, there was no such alternative, either because of lack of suitable land and markets for agricultural products or because the people were simply not prepared to abandon a way of life which they knew well and which they had sought to protect under treaty. For these bands, the only realistic course of action was to prompt the government to intervene on their behalf. Their first approach was through the Indian Agent, as at Fort Chipewyan in June 1922, where Agent Card was confronted by the angry leaders of both the Cree and the Chipewyan Band, (Chief Justin Martin, Chief Jonas Laviolette, and their headmen) requesting reserves much larger than their treaty reserve entitlement, not for farming but for protection against competition in hunting and trapping,

> In one case a white trapper named Bjarson is claimed to have threatened a number of Indians, and practically, for the time being, driven a number of Families from their trapping and hunting grounds and from their homes. Owing to the number of unemployed who come into the country the situation has become acute, and unless action is taken the fur supply will soon be wiped out and the Indians will be a direct charge on the government, as other than hunting and trapping there is no work for them. To protect their interests, as guaranteed by treaty, both bands asked for a reserve, not for farming, as they had no wish to farm, nor is the land suited for that purpose, but for hunting and trapping. To make the matter definite I requested both bands to apply for a reservation, naming the area selected. This application has

> been received, and is herewith attached. The area is much larger than that to which they are entitled by treaty, but the bulk of the land is water and marsh ground useless for any other purpose than that for which they wish it to be set apart.
>
> After the survey, or sooner, if possible, the Indians require a Mounted Police Detachment stationed at Fort Chipewyan to keep off trespassers.[89]

The Indians received immediate support from two very prominent northerners, the trader and transportation promoter James K. Cornwall, and the missionary, Bishop Breynat. Cornwall wrote an article for the Edmonton Bulletin of November 14, 1922 in which he described the seriousness of the situation and recommended that the Indians receive large 'hunting reserves'. Bishop Breynat went even further in suggesting that the white trappers should be excluded from the North entirely.[90]

Officials of Indian Affairs were generally quite aware that the only viable solution to the problem would be the restriction of white trapping or at least the creation of large preserves within which Indians would have exclusive rights. Since 1917, Indians of the Northwest Territories had been given specific exemptions in game laws, and on September 22, 1923, an Order-in-Council was passed establishing seven large preserves exclusively for their use,[91] but similar action was not forthcoming in those areas of the North where there were provincial governments to contend with. In Alberta, where the provincial administration was in the process of negotiating the transfer from the federal administration of control over natural resources, unilateral action by the federal government was not considered.

The Alberta government was receptive, initially, to the federal government's request for some form of protection for the Indian trapper. George Hoadley, Alberta Minister of Agriculture, informed the Minister of Interior in 1923 that the Game Act had been amended to give the Province power to set aside "...areas in which the Indians would have rights over those of white trappers, and in which we could possibly limit the catch of white trappers."[92] Hoadley also expressed his desire to co-operate and asked for advice as to what action should be taken. The recent amendments had provided a legal framework for regulating trappers, but the Province was still considering the scope and form of the regulations to be applied under the act.

After Charles Stewart had met with Hoadley in 1923 to discuss the concept of exclusive areas for Indians, the Indian Affairs Branch provided the province with a specific proposal for seven preserves or 'special reserves' in Northern Alberta, of at least 2500 square miles each.[93] While these negotiations were proceeding, the Indian trappers, especially those at Fort Chipewyan, were becoming increasingly agitated. They were aware of the action that had been taken in the Northwest Territories to protect Indian hunters and trappers and were convinced that their failure to get similar treatment was due to the failure of their Indian agent, Gerald Card, to put their case before the appropriate authorities. Consequently, the Fort Chipewyan Indians took up a collection to send a delegation to meet the Superintendent General.[94]

The Indians' suspicions that the inadequacies of the Indian agents were responsible for their lack of success on this issue do not appear to have been justified. Agent Gerald Card took up the case for a preserve for the Fort Chipewyan Indians as a personal campaign. In 1924 he met with Hoadley and several provincial officials in order to present a proposal for a preserve of 5,000 square miles around Fort Chipewyan, and to identify sources of support and opposition within the provincial administration.[95] Perhaps more than anyone else he was convinced of the urgency of some form of protective action:

> I would not urge action on this matter, if long residence and consequent familiarity with local conditions did not convince me that such action was necessary for the very life of these Indians.[96]

Furthermore, Card recognized that the federal government would soon lose its major source of bargaining power with the province, control of natural resources.[97] At the same time that the negotiations for Indian hunting and trapping preserves were proceeding, the two levels of government were discussing the terms for the transfer of natural resources to the province. Once this transfer was completed, the federal government would have little power to influence the province regarding the regulation of hunting and trapping.

Negotiations for exclusive trapping areas were renewed in 1926 as a result of increasing Indian retaliation against white trappers.[98] Duncan Campbell Scott, the Deputy Superintendent General of Indian Affairs, asked Agent Card of Athabasca and Agent Laird of Lesser Slave Lake to outline precisely the areas required for preserves so that a more specific proposal could be made to Alberta. Meanwhile, Indian Commissioner W.M. Graham visited the Lesser Slave Lake Agency and reported the dire need for an exclusive area north of Lesser Slave Lake:

> It seems to me that it is unwise to allow white people to go in there and handicap the Indians by hunting game that should belong to them. The problem of looking after these Indians is a serious one, and unless every precaution is taken to preserve game and fish for them I do not know what will happen.[99]

The Province of Alberta agreed to consider only those proposals which would give equal rights to Indians and whites. In other words, if Indians received exclusive areas, whites must also receive exclusive areas and both would have to pay a license fee. This stance created an obvious impasse: the creation of areas for the exclusive use of white trappers would be seen as a violation of Treaty 8.[100]

Again in 1927, Chief Jonas Laviolette of the Chipewyan Band asked for a large reserve south of Lake Athabasca, stating that the country had been almost completely ruined by white trappers in recent years.[101] He was supported in his request by prominent local white people including the manager of the Hudson's Bay Co., the magistrate, the Roman Catholic Mission and four local traders.[102]

In 1927 Agents Card and Laird again submitted their proposals for seven preserves in Alberta and one in British Columbia. They were designed to include the hunting grounds of the bands concerned, and ranged in area from approximately 2500 square miles to approximately 15,000 square miles, covering most of the Treaty 8 area of Alberta.[103] The Province of Alberta objected to the 'excessively large' areas[104] but otherwise expressed interest in the proposal, although still insisting that if such preserves were created, Indians would not be allowed to trap outside of the preserves.[105]

Indian Affairs officials were optimistic that the preserves proposal could be extended throughout the northern parts of the provinces, when the 1928 Dominion-Provincial Wildlife Conference unanimously adopted a resolution supporting the concept:

> Whereas, it is recognized that most of the livelihood of the native Indians of Canada was obtained originally through some form of hunting, and that in unsettled districts in

> this country Indians are still largely dependent upon hunting, and especially upon hunting by means of traps, to provide them with the means of existence, and
>
> Whereas the increasing white population of Canada and the increasing money value of fur is causing white trappers in many areas to invade more and more those trapping areas on which the Indians depend, so that results unsatisfactory to both white and Indians are obtained; and extreme hardship for the Indians may in many cases be expected to result from continuance of this confused and unregulated competition, and
>
> Whereas restriction of trapping rights in and to limited areas leads to increased interest in the conservation and maintenance of a supply of fur-bearers in those areas,
>
> Therefore be it resolved that this conference approves a policy of setting aside, as far as practicable, in unsettled regions, certain suitable and reasonable areas whereon Indians only may be allowed to trap.[106]

By 1928 the Province of Quebec had already set apart large exclusive areas for Indians, and Charles Stewart was determined to reach similar agreements with Ontario and the prairie provinces in order to curtail the department's mounting relief costs in northern areas and to avoid the serious threat of starvation among the Indians.[107]

By the time that the federal and provincial governments signed agreements to transfer natural resources to provincial control in 1929 and 1930, the Province of Alberta officials were still professing agreement in principle to the concept, subject to a reduction in the size of the proposed reserves, the necessity of registering trap lines or areas for whites and 'half-breeds', and on the understanding that Indians would only have trapping rights in the preserves and would not be able to restrict other development.[108]

The federal government failed to reach a firm agreement with Alberta on this proposal prior to relinquishing control over natural resources. Despite its professed commitment to the concept of Indian hunting and trapping preserves, the federal government failed to include any such comprehensive plan for the protection of Indian hunting and trapping in the transfer agreement. Thus, the entire question of the respective rights of Indians and non-Indians entered a new phase - a phase in which the provincial government had almost complete control over natural resources, subject only to certain provisions of the transfer agreement which were designed to safeguard Indian treaty rights.

The transfer of natural resources from the federal government to the provincial governments of the prairie provinces had been a subject of negotiation almost since 1905. By the mid-1920s, draft agreements for the transfer had been prepared, but it was not until 1929 that a formal agreement was reached, to become part of the British North America Act in 1930. Section 12 of the transfer agreement concerned Indian hunting, fishing and trapping rights:

> In order to secure to the Indians of the Province the continuance of the supply of game and fish for their support and subsistence, Canada agrees that the laws respecting game in force in the Provinces from time to time shall apply to the Indians within the boundaries thereof, provided,

> however, that the said Indians shall have the right, which the Province hereby assures to them, of hunting, fishing and trapping game and fish for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians may have a right of access.[109]

This clause had mixed effects on the legal rights of Indians. On the positive side, it removed the ambiguity concerning the right of the Province to restrict Indians hunting, fishing or trapping for food. Provincial legislation concerning the methods, quantities or seasons of such 'domestic' harvests would not apply to Indians, although settled or private lands would still be out of bounds except where permission from the owner was first obtained. For Indians of the Treaty 6 and Treaty 7 areas of Alberta, the transfer agreement was a liberalization in relation to the degree of control that the Province had exercised since 1906. Most of these Indians had abandoned commercial hunting and fishing but still relied on fish and wildlife for a significant proportion of their food.

For Indians of the Treaty 8 area, many of whom were still dependent on trapping as a commercial activity and still fighting a losing battle against white competitors, the transfer agreement's sharp distinction between domestic and commercial rights failed to confirm their understanding of treaty rights. As they understood it, Treaty 8 had guaranteed unrestricted hunting, fishing and trapping rights, without distinction as to domestic or commercial activities. This was particularly important in the treaty negotiations because of the importance of the fur trade to their economy. The transfer agreement confirmed that provincial laws for the regulation of the fur trade, as well as commercial fishing and hunting, could be applied to Indians and non-Indians alike. Since 1930, the jurisdiction of the Province over the fur industry has been beyond legal dispute.

Throughout the 1930s the federal government continued to press for the establishment of exclusive preserves for Indians. Its efforts enjoyed some success in Quebec where all land north of the transcontinental railway was set aside for the exclusive use of Indians, and in Ontario, where white trapping licenses were drastically curtailed.[110]

In Alberta, the provincial government continued to show some interest in the concept, but turned most of its attention to the development of a stable and profitable trapping industry. Since the 1920s, when white trappers had greatly increased the fur harvest in the province, and the government had imposed a tax on fur exports, the revenues accruing to the province had become quite substantial.[111] Coincident with the Province's concern to protect this source of revenue was its increasing concern for the conservation of wildlife resources.[112]

The provincial government now had strong reasons of its own for not granting exclusive rights to Indians. It had a growing source of revenue to protect. According to the Alberta Game Commissioner, prior to the advent of trapping by whites on a large scale, Indians had hunted and trapped only enough to meet their needs, and posed no great threat to conservation.[113] The federal government persistently pointed out that exclusive Indian preserves were in the interests of conservation. Provincial officials apparently recognized this point, but their interest in conservation was directed more at the protection of provincial revenues than the protection of Indians. In the words of the Chief Game and Fish Guardian, game protection was seen as "... nothing more nor less than a business proposition."[114]

Meanwhile, the 1930s had brought even tougher conditions for the Indians of Treaty 8. By 1930, most traders had discontinued their practice of supplying credit to Indian trappers due to declining prospects; there was a closed season on beaver trapping due to the intensive trapping of the previous years; and unemployment in the South was expected to send another wave of white trappers to the North. Throughout the next decade, Indians from all areas of Northern Alberta continued to press for the exclusion of white trappers.[115]

Although demands for preserves came from virtually all bands in Northern Alberta, the most persistent pressure came from Chief Jonas Laviolette and the Chipewyan Band of Fort Chipewyan. Their area had seen some of the most intensive

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competition from white trappers, and the people were well aware that bands in the Northwest Territories had been given some protection by the creation of preserves there. Similarily, the Cree band of Fort Chipewyan had been given some protection by the inclusion of their trapping territory in Wood Buffalo Park, where non-Indians were forbidden to trap.

After years of protest the Province took belated and inadequate steps to stem the tide of trappers moving into the Chipewyan territory of the Peace-Athabasca delta. In 1935 the Province passed an Order-in-Council restricting the area lying between Wood Buffalo Park and the Saskatchewan border to those trappers already active in the area. However, by that time the delta area was among the most intensively trapped in the North, and the restrictions did little to ease the pressure. The Chipewyan Band continued to demand an exclusive preserve and continued to protest the loss of their trap lines to non-Indians.[116]

By 1937 a new argument was being used in the debate over preserves and white competition. In that year, Bishop Breynat collected affidavits from several witnesses to Treaty 8, stating that the Treaty commissioners had specifically promised, as part of the treaty, that Indians would be protected from white competition in hunting and trapping.[117] There is no other evidence that such a specific promise was made at the time of the treaty, but the affidavits must stand as an indication of the 'spirit' of the treaty, as seen by several Indian and non-Indian witnesses.

As a result of this renewed pressure, the Alberta government once again exchanged correspondence with the federal government, in 1938, on the matter of exclusive preserves, and once again indicated its willingness to co-operate, but not without conditions. At a meeting in May, 1938, the Alberta Minister of Lands and Mines discussed with federal officials the possibility of setting aside four large preserves in Northern Alberta for the exclusive use of Indians, 'half-breeds', and whites who had resided in the area for at least five years.[118] In the House of Commons on June 13, 1938, T.A. Crerar, the Minister responsible for Indian Affairs, reported: "In Alberta I have had conversations with the minister of resources; and while there has been a great deal of criticism of the Alberta government, I have had the fullest cooperation with the minister there in getting areas in northern Alberta taken care of."[119]

At this time the federal government was putting forth the proposal that if the Province would exclude the 'itinerant white trappers' from large areas of the North, the federal government would accept most of the cost of fur development schemes designed to improve the supply of fur-bearing animals, for the benefit of Treaty Indians as well as Metis who would retain trapping rights.[120] This proposal did not go far enough to meet the demands of Alberta. Provincial officials wanted the federal government to go much further in relieving them of the responsibility for the welfare of the Metis than merely attempting to rejuvenate the trapping industry. They proposed that the federal government should assume complete responsibility for the health and education of the Metis and should delay its action of removing Metis families from Indian reserve lands in the North.[121] This proposal was unacceptable to the federal government and agreement once again seemed unlikely. In 1938 the Province passed the Metis Population Act which set aside ten substantial areas in the vicinity of Metis communities, for the exclusive use of the communities.

Although the federal officials did not completely abandon hopes for exclusive Indian preserves, the Province assumed an increasingly unsympathetic attitude after 1938. As early as 1934, provincial officials had indicated their desire to require all Indians in Northern Alberta to register their trap lines,[122] and in 1939 the plan was finally implemented.[123] Furthermore, provincial officials indicated that their policy now was to show no preference towards Indian trappers in the allocation of trapping areas.[124] The federal government had clearly failed to achieve any noticeable progress towards the protection of the hunting and trapping rights of Indians from white competition, after two decades of negotiation. Their efforts from 1940 onward were directed towards 'equitable treatment' of Indians under the province's registered trap line system, a system which Indian Affairs officials had consistently opposed as a very poor substitute for exclusive hunting and trapping preserves. Throughout the 1940s, the costs of relief for Indians in Northern Alberta remained high, and non-Indian trappers continued to enter the North.

The registered trap line system was unpopular with Indians from the beginning because it was seen as a form of regimentation and because it failed to do anything about the high density of trappers in some areas.[125] Although Indians Affiars officials occasionally succeeded in pressuring provincial officials into adopting a policy of giving some preference to Indian trappers in the allocation of lines, even these concessions were often made ineffectual by the fact that local settlers who favoured non-Indian trappers were often appointed as game officials.[126] The introduction of the registered trap line system seems to have resulted in a further decline in the access of Indians to fur resources. By 1948 it was estimated by the Indian Affairs fur supervisor that in Northern Alberta there were about 472 registered Indian trappers and about twice that number of white and half-breed trappers.[127]

A depressed fur market in the late 1950s reduced the profitability of trapping in Northern Alberta. Although this allowed Indians to assume control over lines abandoned by whites, they were merely increasing their control over a declining industry. Not since the first decade after Treaty 8 had the Indian trappers of Northern Alberta been in a dominant position in a stable and profitable industry.

In recent years trapping has clearly declined in importance as a full time occupation for the Indians of Northern Alberta, although it remains an important part time occupation and source of income for many. It is likely that the combination of poor returns in low market years and severe competition in high market years contributed to the loss of confidence in trapping as a way of life. Furthermore, the extension of settlement in Northern Alberta has reduced the area of land available for trapping and increased the availability of wage labour and alternative life styles. Welfare payments of various sorts now offer a more secure economic base than trapping.

By 1968 provincial officials were estimating that in all of Alberta there were about 900 Indian trappers,[128] approximately the same number as there had been twenty years earlier,[129] despite a very substantial increase in the Indian population. The average income of these trappers was only about $300 in 1968,[130] a reflection of the extent to which trapping had become a part time activity and a supplement to welfare and wage labour income. The response to this situation, from both the federal and the provincial government, has been to discourage those Indians who were 'undercropping' their lines and to consolidate lines where necessary under the control of those trappers, whether Indian or non-Indian, who were prepared to undertake trapping as a serious business.[131] It was suggested that the trapping industry of Alberta, if 'rationalized' in this manner, could support 210 Indian trappers earning not less than $2,000 per season.[132]

Even if provincial government policy were completely reversed today, giving Indians exclusive control over wildlife resources, it is doubtful that trapping could support more than a very small percentage of the Indian population of Northern Alberta.[133] Whether protection for Indian trappers during the first half of the Twentieth Century would have provided a more stable economic base from which to adapt to a new social and economic system or would have further retarded such adaptation cannot be answered in this paper. However, regardless of the ultimate consequences for economic development, it must be concluded that Indian control over the wildlife resources of Northern Alberta has been declining since 1899, more or less in an inverse relationship to the control over these resources exercised by the Government of Alberta.

Although restrictions on Indian hunting, fishing and trapping rights have been supported by a variety of arguments to suit specific conditions, they have tended to rest on two ideological pillars: non-discrimination between Indians and whites; and conservation. The treaty had provided for some degree of government regulation of Indian hunting, fishing and trapping for the purposes of conservation, and the growing influence of conservationist groups since then has tended to support interference with Indian practices. Principles of natural resource conservation would not be in conflict with Indian rights if the purpose of conservation were primarily to insure an adequate and stable resource base for the traditional Indian economy. However, when conservation is practiced for other competing purposes, Indian rights are often diminished by measures taken in the name of conservation. The fundamental conflict, however, is not between proponents and opponents of conservation but between competing users of wildlife resources. The attempt by the provincial government to allocate these resources on a 'non-discriminatory' basis has been in conflict with Indian views, firmly held although often vaguely defined, of their special and paramount rights to these resources.

The fact that the general policy of the provincial administration remained relatively stable under Liberal, United Farmers of Alberta, Social Credit, and Progressive Conservative governments, despite the opposition of Indian people and, often, the federal government, suggests a broad base of support among the settler population of Alberta. To some elements of the settler population, the fish and wildlife resources were of potential commercial value, at least during good market years. Recreational hunters and fishermen have exerted strong pressure on provincial policies through the Alberta Fish and Game Association. As the urbanization of Alberta has proceeded, other residents of the cities and towns have become more demanding of rural recreational opportunities. This latter demand has recently prompted the Alberta government to adopt a policy of setting aside more and larger provincial parks and wilderness areas. The Province has taken the position that these parks and wilderness areas, no matter how isolated, are 'occupied Crown lands' and therefore not available to Indians or others for hunting, fishing and trapping.

In the face of these many and varied demands of the settler population on the wildlife resources of Northern Alberta, it is not difficult to understand that the various provincial governments, elected by the settlers, would be reluctant to confirm or promote an Indian view of history which asserted very extensive paramount rights to the resources. The federal government was more aware of the nature of the treaty negotiations, more responsible for Indian welfare and less threatened by Indian control of fish and wildlife resources, and consequently tended more often to support Indian rights. However, since early in this century, the federal government has been a declining influence in Northern Alberta.

Indian Political Development

Historically, the Indian population of the study area lacked the political cohesion required for a coordinated political response to external threats. The population included several different language groups, many of which had a history of bitter intertribal conflict and deep mistrust. Even within language groups the boreal forest hunting patterns tended to create small family groups which were only loosely organized in larger entities for seasonal social and economic functions.

The negotiation of Treaty 8 brought few changes to this structure of small independent bands except that band identities and leadership became more formalized with the introduction of the system of bands, chiefs and band councils under the Indian Act. Bands were still concerned with local problems and issues and had no political ties with other bands. Even in the Lesser Slave Lake region where a large Cree population had come together to negotiate the treaty as a single unit, in the decade following the treaty several distinct bands evolved, based on residence and kinship.

This system of local chiefs and councils was generally ineffective in dealing with the major issues presented by declining access to natural resources and indifferent governments. No matter how strong and articulate the local leadership, it was simply too far removed from the decision making centres of governments. Grievances presented to Indian agents had to be passed on to regional inspectors and then to the distant bureaucracy in Ottawa. Where natural resources were involved, the issue would then require negotiations with the provincial government. When Indian leaders attempted to bypass a link in this bureaucratic chain they were generally rebuked. Sympathetic non-Indians, including missionairies, traders and Indian agents were able to bring somewhat greater pressure to bear on decision makers by the fact that they could often speak of conditions facing several different bands and they had greater knowledge of the system of government. Even such sympathizers, however, were relatively ineffective.

The inability of local chiefs and headmen, as well as local Indian agents, to effect changes on behalf of the Indian people, often made them the targets of protests. Frequently in Northern Alberta, restrictions on Indian hunting, fishing and trapping rights were followed by demands from the Indians for a new agent. As noted in the annual report of the Athabasca agent for 1947, similar pressure was sometimes directed at the Indian leadership:

> There was as one might put it an epidemic of resignations from responsible positions amongst the Chiefs and Headmen this summer, this was

> partly caused by the great changes being made in Big Game and Trapping regulations, and it looks as if the band members were blaming the Chiefs and Headmen for this, which of course is not right. It is hard to make people understand that we here in this country have actually very little to say regarding Game Laws, and that often the law is passed before we hear about it.[134]

Although some attempts had been made in the 1920s and 1930s among the bands of Central and Southern Alberta to create a political union of bands, it was not until 1944 that substantial success was achieved in the formation of the Indian Association of Alberta. This organization was dominated, initially, by Cree bands, including some members from the Lesser Slave Lake region of Northern Alberta, and a small number of non-Indian supporters were prominent in the organization.[135]

The dominant issues of the Indian Association of Alberta in these early years were related to health, education and social services.[136] The issue of greatest concern among its northern members was the action of the Indian Affairs administration in striking over 600 members from the band lists and from Treaty Indian status in 1942.

In 1945 the Indian Association of Alberta was cited in parliamentary debates as one of the organizations which were demanding that the federal government establish a Royal Commission to look into the condition of Indian people in Canada.[137] In the following year the Liberal government established a joint Senate-Commons committee to consider amendments to the Indian Act and to undertake a broad investigation into Indian administration. In introducing the motion to establish the committee, Hon. J.A. Glen, Minister of Mines and Resources, placed the entire question of Indian rights and welfare in the context of the ongoing conflict over natural resources:

> I am rather convinced that the measure of economy insisted upon by the Canadian taxpayer from 1929 to the outbreak of war, the demands of the war itself, more rigid enforcement on the part of provincial governments of laws relating to hunting, trapping and fishing, and the gradual encroachment of white citizens into areas where lands, although the property of the provinces, nominally at least had been recognized as exclusive Indian hunting and trapping areas, in the main have contributed to the conditions now confronting us...The return of the natural resources to the prairie provinces and the administration of the lands by the provincial governments...imposed greater restrictions on a number of Indians engaged in hunting and trapping...
>
> It would appear that we have reached a stage in our development as a nation when economic conditions will force us to do one of two things: (1) purchase at public expense the additional lands and additional hunting and trapping rights for an Indian population of 128,000, increasing at the rate of 1,500 per year; or (2) decide on an educational and welfare programme that will fit and equip the Indian to enter into competition with the white man not only in hunting and trapping but in agriculture and in the industrial life of the nation.[138]

Glen's speech went on to argue that the second alternative, education and welfare, was preferable.

This speech had outlined the general direction of Indian policy for the following decades. Having lost the battle with the prairie provinces over natural resources, and having been unable to protect Indians from the various threats to their natural resource base, the federal government was now faced with mounting political pressure from newly formed Indian organizations, church groups, and other supporters of Indian rights.[139] It was now preparing to abandon this unsuccessful effort to protect Indian access to natural resources and to place greater emphases on programs which did not necessarily require provincial co-operation. If this was an 'obvious' solution to the problems of Indian poverty and especially the extreme poverty of the boreal forest regions, it was so partly because the alternatives had been rendered unworkable by the provinces.

Throughout the 1950s the Indian Association of Alberta, like the federal government, seemed to concentrate on issues of health, education and welfare.[140] Whether this was because the Association tended to agree that the battle over natural resources was a lost cause or because the Association was alienated from the concerns of the grass roots membership is uncertain. However, the extent to which questions of hunting, fishing and trapping rights and land tenure remained the dominant issues in Northern Alberta is reflected in the attitudes of Indian elders[141] and in the resurgence of natural resources issues in the 1960s and 1970s.

When growing public concern over the post-war condition of Canada's Indian population prompted a second major set of joint Senate-Commons Committee hearings in 1959 and

1960, the I.A.A. was again very prominent. The organization submitted a comprehensive brief on such issues as enfranchisement, self-government, education, health, welfare, employment and hunting, fishing and trapping rights.[142] The brief was presented by a non-Indian lawyer, along with Johnnie Samson who represented the 'North' of the province, although he was from Hobbema, fifty miles south of Edmonton, and Howard Beebe of the Blood band, President of the I.A.A., representing the South. The I.A.A. claimed to have an annual membership of 1,200 to 1,500 representing every band except three in the far north of the province. It had held five regional meetings to prepare the brief, including one in the Treaty 8 area at Lesser Slave Lake, from which much of the concern for hunting, fishing and trapping rights had originated.[143]

This I.A.A. brief of 1960 criticized many aspects of the federal government's role in fish and wildlife legislation including the enactment of the Migratory Birds Convention Act of 1917,[144] but laid the greatest part of the blame for restrictive legislation on the provincial government. It recommended a reduction of restrictions on Indians, an end to special concessions for non-Indian commercial fishing operations, and a comprehensive investigation by the federal government into the whole question of hunting, fishing and trapping, with particular reference to the treaties, the Indians economic dependence on these occupations, and restrictive federal and provincial legislation.[145]

The I.A.A. reached a new level of prominence in 1968, with the election of a young and articulate leader and the negotiation of government funding for the organization. Harold Cardinal, 23 years old when elected President of the I.A.A., was from the Sucker Creek Reserve on the west end of Lesser Slave Lake, the son of one of the early pioneers of the organization in that area. His nine years as President which ended when he accepted the position of Regional Director General with the Indian Affairs Branch in 1977, saw the development of much greater political power in provincial Indian organizations, and much greater access to governments for Indian leaders. Much of this development of the political strength of Indian organizations must be attributed to Cardinal's leadership.

The fact that the federal government and the Indian Association of Alberta were now moving in opposite directions on broad policy issues was brought to public attention in a dramatic confrontation in 1969 and 1970. The confrontation was provoked by the government's 'White Paper' on Indian policy, which proposed that the special legislative and constitutional position of Indians be ended and that a large share of the responsibility for Indian welfare be shifted to the provinces. This was a logical outcome of the historical tendency of the federal government to play down the importance of the treaties in defining Indian rights and to accept the position articulated by the Province of Alberta in the

1920s and 1930s: that Indians should be treated in a non-discriminatory manner as citizens with essentially the same rights as other citizens.

The response to this statement of government intentions was led by Harold Cardinal and the Indian Association of Alberta. In a brief to Prime Minister Trudeau in June 1970, entitled Citizens Plus[146] but often referred to as 'the Red Paper', the Indian Chiefs of Alberta rejected the government position and asserted that nothing was more important than the treaties which promised reserve lands; social, economic and cultural development; health services; education rights and,

> The right of the Indian people to hunt, trap and fish for their livelihood free of governmental interference and regulation and subject only to the proviso that the exercise of this right must not interfere with the use and enjoyment of private property.[147]

Citizens Plus rejected the paternalism of past policies and programs of the Indian Affairs Branch but was opposed to proposals to abolish the Branch. Instead of eliminating the special status of Indians, the federal government should become a much more active advocate of those rights.

To many non-Indians unfamiliar with the importance of the treaties to the Indian people, the government policy must have seemed quite reasonable. Legislation and institutions which set Indian people apart from other Canadian citizens had the appearance of colonialism and discrimination. And as far as the treaties were concerned, Prime Minister Trudeau undoubtedly expressed a popular sentiment when he suggested that it was unreasonable that part of Canada's population should be bound to the larger society by a treaty relationship.[148] However, in rejecting the government's policy, the I.A.A. was not clinging to a colonial dependency but demanding "...that the special history, rights and circumstances of Indian people be recognized".[149] The Indian people had a number of claims to present to the government concerning the perceived erosion of their rights since the signing of the treaties, and until these claims were recognized and negotiated, equality in law would be seen as more of a threat than a promise. Among its other accomplishments, the Indian Association of Alberta under Cardinal's leadership had clearly helped to bring the issues of access to natural resources back into the spotlight of Indian politics.

Natural Resources and Indian Claims

The vigorous Indian response to the federal government's White Paper policy was the beginning of a process which shifted the government's attention back to treaties and aboriginal rights. Beginning in 1969, the federal government has provided Indian and Inuit organizations with funds to conduct research into a wide variety of grievances and possible claims. A number of very substantial claims, particularly in regions of large scale frontier resource development projects, have focussed considerable public attention on native rights.

The greatest public attention has been given to aboriginal rights claims - claims to the effect that in particular areas of Canada the native people have rights to the land and resources which have never been surrendered to the Crown by treaty or otherwise. Parts of Northern British Columbia, Quebec, the Yukon and Northwest Territories have never been surrendered by treaty and the question of whether some form of aboriginal rights might exist in these areas has never been determined by the courts. The uncertainty over the legal issues and the potential for native groups to use this uncertainty to take legal action that would interfere in resource development projects has provided governments with an additional strong incentive to negotiate comprehensive settlements for these issues.

Aboriginal rights claims being developed by the Indians of the Mackenzie Valley region of the Northwest Territories are somewhat different from those described above, in that they include areas covered by two treaties with the government, Treaty 8 of 1899 and Treaty 11 of 1921. The Indian Brotherhood of the Northwest Territories has asserted that these treaties did not extinguish the Indian title to the area and that all proposed resource development projects in the area should be halted pending satisfactory settlement of their claims. On the basis of the archival research of Rene Fumoleau[150] and the testimony of Indian elders and others, they applied for a caveat on the lands of the western portion of the Northwest Territories from the Alberta border to close to the Arctic Ocean. On September 6, 1973, Justice W.G. Morrow of the Supreme Court of the Northwest Territories ruled:

> That notwithstanding the language of the two Treaties there is sufficient doubt on the facts that aboriginal title was extinguished that such claim for title should be permitted to be put forward by the caveators.[151]

An appeal to Morrow's decision established that a caveat could not be registered against unpatented Crown lands in the territories but did not consider the issue of the possible existence of aboriginal rights. Impending government decisions concerning a possible Mackenzie Valley pipeline are likely to have a profound effect on the ultimate settlement of this claim. Meanwhile, a deadlock exists between the government policy of seeking extinguishment of native title and the Indians' desires to have native title formalized in legislation.[152]

The position of the Indian Association of Alberta with respect to the nature of Treaty 8, as outlined in Citizens Plus, was substantially different from the positfon taken by the Indian Brotherhood of the Northwest Territories, in that it did not dispute that aboriginal rights had been extinguished but called for a more liberal interpretation of the treaty than one based strictly on its written terms. Although the Association has not issued a formal statement of a comprehensive claim on Treaty 8, it has undertaken several actions in recent years which indicate a likely trend for future claims and statements.

At its annual meeting in June, 1974, the I.A.A. pledged to take legal action within a year in an attempt to insure that Indians benefitted from the development of the Athabasca tar sands. Citing unemployment rates among Northern Alberta Indians of from 80 percent to 90 percent, Cardinal suggested that unless adequate measures were taken to insure that Indians were able to take advantage of the new jobs created in the Fort McMurray area, the I.A.A. was prepared to obstruct further development. Although at that time the I.A.A. was not certain what the legal and political basis of the claim would be, it was expected that it would follow the argument of the Northwest Territories case, that Treaty 8 had not involved a surrender of land and that aboriginal rights still existed in the area.[153] The Morrow judgement had provided some hope for this approach and it had not yet been overturned by the appeal.

By July, however, there were indications that the Fort Chipewyan Cree Band's land entitlement claim might be used as the basis for a claim on the tar sands. The federal government had already recognized that this band was entitled to reserve land, and negotiations were proceeding towards the selection of part of this entitlement within Wood Buffalo National Park, an historic hunting and trapping area of the band. It was suggested that the band might select part of the remainder of its entitlement in the tar sands area in order to secure the greatest possible value in natural resources.[154] This sort of claim on the basis unfulfilled treaty promises would have been more consistent with the Association's previous position on Treaty 8 as expressed in Citizens Plus.

When the I.A.A. finally took the promised action to assert control over natural resources of the tar sands region, it did so on the basis of aboriginal rights rather than treaty rights. On September 30, 1975, the I.A.A. announced that its legal counsel had been instructed "...to immediately commence legal action aimed at regaining for Indians full and total control over natural resources contained within the area known as the Athabasca tar sands."[155] The statement made no reference to the basis of legal action but asserted that the resources being sought belonged to the Indian people, and made a vague reference to the treaties. However, within a month it was announced that a caveat on 33,000 square miles of land was being presented to the Registrar of the Northern Alberta Land Registration District on the basis of an assertion of aboriginal title by headmen of the isolated communities. The caveat would apply to most of the land north of Lesser Slave Lake and between the Peace and Athabasca Rivers.[156]

The isolated communities had previously sought reserve land on the basis of the land provisions of Treaty 8. However, due to the fact that no representatives of these communities had participated in the treaty negotiations and the possibility that in subsequent years some of the people in these communities may never have received either scrip or treaty benefits, an aboriginal rights argument was now being advanced. The caveat application was referred to the courts but hearings were delayed pending the outcome of the appeal against Morrow's decision in the Northwest Territories.

Although this legal action was based on the land rights of the isolated communities, the Indian Association emphasized that the objectives of the action included, in addition to a land base for the communities, assurances that Indian people would receive training and development opportunities which would allow them to participate in the economic boom expected from the development of the tar sands.[157] The uncertainty created by the caveat application, at a time when the federal government was negotiating its participation in the Syncrude project,[158] was likely responsible for the successful negotiation in July, 1976, of two agreements to provide very substantial participation by Indian people in the project. The first of the agreements was between Syncrude Canada Limited, the Minister of Indian Affairs and

Northern Development, and the Indian Association of Alberta, and provided special conditions of entry into the Syncrude labour force for Indians, as well as government assistance for Indians interested in upgrading their skills for job opportunities. The second agreement, between the I.A.A. and the Minister of Indian Affairs and Northern Development, provided government funds of up to three million dollars to assist Indian owned businesses in the Fort McMurray area with management and legal advice and non-repayable grants.[159] The provincial government, although a partner in the Syncrude project, did not participate in these agreements and expressed concern that they might be discriminatory in nature and contrary to human rights legislation.[160]

These agreements on employment and business opportunities were possible without the participation of the provincial government, but the other objective of the caveat application, (land rights for the isolated communities), was not. The appeal against the Morrow judgement established that a caveat could not be registered against unpatented Crown lands in the Northwest Territories but implied that such action might be possible under the land titles legislation in Alberta.[161] With this positive judgement, and in the face of the Province's continued refusals to enter into negotiations, the legal counsel for the isolated communities and the I.A.A. prepared to proceed with the caveat application. However, the Province moved to nullify this threat by amending the Alberta Land Titles Act to make it impossible for anyone to register a caveat against unpatented Crown lands. The amendment was retroactive to prior to the application by the isolated communities. The I.A.A. and the isolated communities presently appear to be faced with the alternatives of seeking a judicial decision on the underlying question of aboriginal rights or pressing a claim for treaty land entitlement. It would appear that either course of action would have to be pursued without the benefit of a caveat on the lands and without any immediate signs of co-operation from the provincial government.

The efforts of the isolated communities to secure reserves of the size stipulated by Treaty 8 may be complicated further by the fact that land in the vicinity of Trout Lake and Peerless Lake has been identified as among the most attractive areas of recreation land in the province.[162] Currently, most of the land in this area is being studied by the Alberta government for possible future recreation use. The small native settlements of Trout Lake and Peerless Lake have 21 year leases on some of the best beach land, but efforts to acquire areas of land larger than those actually occupied by the communities may conflict with the land use plans of the Province. Whether part of the land is eventually designated as a provincial park or opened to development for commercial recreation, tourism, or summer cottages, the strong pressures from urban communities for both public and private recreation land will almost certainly be taken into consideration before the Province settles any Indian land claims.

The apparent reluctance of the provincial government to resolve Indian land claims has implications beyond the particular cases of the Fort Chipewyan Cree Band and the isolated communities. The poor definition of bands and band populations at the time of the first surveys of many reserves and the lack of attention paid to precise fulfillment of treaty terms create a strong possibility that further research will demonstrate other cases of outstanding land entitlement in the Treaty 8 area. Although a precise formula for determining the validity and extent of entitlement claims has not yet been established by the federal government, there are several indications that the federal government will adopt a policy which is very favourable to the interests of Indian claimants.[163]

A similar situation exists in negotiations on hunting, fishing and trapping rights. In September, 1974, the Indian Association of Alberta joined the Federation of Saskatchewan Indians and the Manitoba Indian Brotherhood in issuing a joint statement on hunting, fishing and trapping rights, for presentation to the federal government and the governments of the three prairie provinces.[164] This was followed in 1977 by a submission from the three organizations which outlined sources of grievance and proposed a set of principles for negotiating Indian claims in this area. Grievances included the Migratory Birds Convention Act and the federal Fisheries Act, but were primarily related to the natural resources transfer agreements and the administration of fish and wildlife resources by provincial governments. The proposed principles of settlement of claims were directed towards obtaining recognition of priority of access to fish and wildlife resources for treaty Indians whether engaged in domestic or commercial harvesting and a greater role for Indian people in conservation programs.[165]

The restoration of Indian access to fish and wildlife resources at a level near that enjoyed in 1899 is not likely, not only because subsequent settlement has reduced the land area available for hunting and trapping but also because there are several interest groups within the settler population which are in direct conflict with the Indian people for these resources. Commercial trapping and fishing are no longer predominantly Indian activities in Northern Alberta and any effort to place severe restrictions on non-Indians would meet substantial opposition in the rural North.

The development of a large prosperous urban population in Alberta with private transportation and a well developed highway system has placed other demands on fish and wildlife resources. Sports hunters and fishermen from throughout Alberta are very protective of their share of a limited resource and strongly represented by the Alberta Fish and

Game Association, an organization which has consistently opposed any extension of Indian rights.[166] Other demands, from the urban centres, for recreational opportunities and tourist development, have created pressures for provincial parks and wilderness areas and for the conservation of fish and wildlife resources.

All of these elements of the settler population expect to have their interests represented in the policies of the provincial government. While, individually, they might make accommodations with Indian rights, their combined interests will not allow a substantial expansion of those rights and may even achieve further reductions.

Summary

From the perspective of the Indians and the federal government, the treaty promised some degree of protection for Indian access to natural resources, particularly land and fish and wildlife. The fact that the treaty did not define this protection in precise terms, clearly understood and accepted by both sides, is evident in the history of conflicting interpretations since 1899. Although disputes over Indian rights to natural resources have never been as clearly formalized as during the present period of claims for treaty and aboriginal rights, all of the current disputes can be traced to long standing Indian grievances concerning the federal government's interpretation and fulfillment of its treaty responsibilities. Specific failures of the federal government to fulfill its treaty responsibilities to Indian people have been given some attention by academic historians[167] and have more recently become the primary focus of research by Indian organizations.

The federal government's failures to fulfill Indian expectations concerning access to natural resources cannot be analyzed without reference to the historic federal/provincial conflict over natural resources. The significance for Indian rights of this historic conflict derives from the fact that the federal government's control over the natural resources of Northern Alberta has been gradually displaced since 1905 by that of the provincial government, and from the fact that the provincial government has maintained a view of treaty rights which is generally less liberal than that of the federal government and even more in conflict with an Indian understanding of these rights.

There are several possible explanations for the reluctance of the provincial government to facilitate the resolution of Indian claims to natural resources. The process of presenting the claims generally involves some initial negotiations and perhaps even an agreement between the Indian claimants and the federal government before the Province is involved. In recent years the high degree of conflict between the Alberta government and the federal government over natural resource revenues has not been conducive to federal government appeals for natural resource rights for Indians. Harold Cardinal recognized, when he first indicated his intention to make a claim on the resources of the tar sands area, that the Indian leaders would risk being accused of helping the federal government's position on energy resource ownership.[168] Cardinal's subsequent appointment to the position of Regional Director General of Indian Affairs may contribute to the impression that Indian resource claims are the result of collusion between Indian leaders and the federal government against the interests of Alberta.

It is more difficult to attribute the current provincial positions on Indian claims to transitory difficulties with the federal government over energy resources when an historical perspective is taken. The position of the present Lougheed government on these issues is not a substantial departure from those of previous Alberta governments, although particular political conditions may be contributing to the reticence over Indian control of natural resources. The historical tendency has been for the settler population of Alberta to look to the provincial government to protect and expand its rights to natural resources against Eastern metropolitan interests and the native people. Resource development projects, farming, commercial trapping and fishing, tourism, sport and recreation are all protected in the 'multiple land use' policies of the Province, while the

Indian population continues to be relatively alienated from the local settlers' government, and bound by law and sentiment to the federal government.

CHAPTER SIX

CONCLUSIONS

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CONCLUSIONS

The preceding chapters of this thesis have provided an historical analysis of Indian access to the natural resources of Northern Alberta, from aboriginal to contemporary periods. The focus has been on the negotiation of Treaty 8 between the Indian bands of the study area and the Government of Canada, and certain key issues in the administration of natural resources since 1900. It remains in this concluding chapter to summarize the findings in relation to the central hypothesis of the thesis and to discuss the implications of the findings for our understanding of the position of native peoples in settler states and for the development prospects of Northern Alberta Indians in particular.

The fur trade was established in the study area with no major conflicts between the trading companies and the Indians. Although Indians became partially dependent on the fur trade, they retained substantial access to the natural resources of the area, while the material benefits of the trade included new and more efficient methods of harvesting fish and wildlife resources.

Pressures for the negotiation of Treaty 8 came with a declining fur trade and rising interest in the mineral resources, and to a lesser extent the agricultural resources, of northern regions. Apart from the study area's actual or presumed resource wealth, it was of interest for several potential transportation routes to more northerly regions, particularly the gold fields of the Klondyke. People of the developing regional towns of the prairies were particularly interested in seeing the opening of this hinterland, and the federal government recognized its obligation to negotiate a treaty with the Indians prior to widespread settlement, after steadfastly resisting Indian requests for a treaty for more than a decade.

The written text of Treaty 8 is subject to various interpretations concerning the nature of the promises made by the federal government, but leaves little doubt that the Indians surrendered all rights to natural resources in exchange for those specific and limited promises. However, available evidence concerning the actual negotiations of the treaties, supplemented by evidence of the views of contemporary Indian elders, indicates that the written version of the treaty does not adequately reflect the substance and the spirit of these agreements of 1899 and 1900. Furthermore, the evidence indicates that the parties to the agreement may have failed to reach a meeting of the minds on certain key issues, especially concerning the control of natural resources. These differences of interpretation of treaty rights have persisted throughout this century and form the basis for several contemporary Indian claims for greater control over natural resources.

The federal government has continued to view its treaty obligations as being of a rather limited nature in relation to the Indian view of those obligations. For example, for several decades after the treaty, agricultural assistance was substantially less than what might have been expected. However, in the matter of access to natural resources, the major failings of the federal government were in giving inadequate protection for Indian interests against the interests of the settler communities of the West. Various elements of these communities have developed commercial and other interests in the natural resources of Northern Alberta, often in direct conflict with an Indian understanding of the treaty relationship. Traditional use of resources has declined more rapidly than new development opportunities have been created for Indian people, with a resulting high dependence on government welfare support.

Until recently there has been little public awareness in Canada of native rights to natural resources. The fact that large areas of the country might still be subject to aboriginal rights was either largely unknown or considered to be of no real importance. As for the areas covered by treaties with the Indians, there has been little public awareness of conflicts over control of natural resources and a general assumption that Indian adaptation to the post-treaty order, if possible at all, would have to be based on the development of human resources and the limited natural resources of Indian reserves. Thus, the problem was seen as one of acculturation: until the Indian learned the skills and values of an agricultural, entrepreneurial or wage labour class, he would have no basis for a successful adaptation to the new order. By signing the treaties he had surrendered any previous interest in natural resources in exchange for promises that he would be assisted in developing other aspects of his ability to adapt: he would be taught to farm; his children would attend school; he would receive food and medical supplies; and for an interim period he would be allowed to continue to hunt, to fish and to trap. In this view of the treaties, the failure of Indians to adapt to changed circumstances could be attributed solely to a failure of cultural adaptation: either the Indians have been unwilling or unable to adapt to Canadian culture, or the education and social assistance aspects of the treaties and of government policies were inadequate or improperly implemented.

Our research indicates that the perception of Indian rights has been considerably different from an Indian point of view, particularly in regard to the control of natural resources. Furthermore, an historical study of the relationship of Indian communities to the natural resources of Northern Alberta indicates a substantial degree of continuity in Indian concerns to retain a high degree of adaptive ability through the control of natural resources. Far from being a new development in Indian history, the present concerns of Indian individuals, communities, and organizations, as represented in the development of claims against governments, must be seen as a new manifestation of a continuing conflict. Whether the development of Indian communities is primarily a matter of cultural adaptation or of control over natural resources is a question that cannot be resolved here - we can only emphasize the fact that Indian and non-Indian answers to this question have tended to diverge.

Are these findings consistent with the metropolis/ hinterland theoretical orientation? Does the theory provide an adequate analysis of the conflict over the natural resources of Northern Alberta and of the underdevelopment of Indian communities in the area?

In historical research, the metropolis/hinterland approach is most often counterposed to the frontier thesis of Frederick Jackson Turner.[1] The former predicts that the opening of a new frontier or hinterland will be initiated and controlled by interests outside the new territory, in established metropolitan centres. The Turner thesis emphasizes the independence of frontier populations and the difficulties of controlling them, and predicts that the institutions of the new territory will be more profoundly shaped by the frontier experience than by metropolitan culture and politics. Morris Zaslow argues that the metropolis/hinterland approach is more applicable to the opening of the Canadian North:

> In their approaches to the problems of frontier development, Canadian governments, in line with the concept of the Crown as the ultimate source of authority and the repository of the public interest, followed authoritarian and centralizing methods...The Dominion Government...kept firm control over the natural resources of the new territories, and, to administer the districts, it appointed officials who were responsible to it, and not to the local settlers.
>
> ...Canada's political centre of gravity never moved from the St. Lawrence valley and Ontario peninsula districts of the two central provinces...
>
> To view the development of Canada's northern frontiers, particularly for the period of this study [1870-1914] the metropolitan approach affords a better perspective than Turner's frontier thesis. The drive to open the frontiers came from groups and forces outside those frontiers more than from their few pioneer settlers.[2]

Our data would tend to support Zaslow's rejection of the frontier thesis as an explanation for the opening of the North. Neither the native population nor the earliest frontiersmen of the study area, the traders and missionaries, could be considered to be the driving forces behind decisions to open the area to widespread settlement. Although some traders, such as James K. Cornwall, promoted and profited from northern development, most traders and missionaries were in an ambivalent position, standing to lose their dominant positions in the frontier society or to use that dominance to control development for their own purposes.

Although our data supports the thesis that northern development was initiated and promoted by interests from outside the North, it does not support Zaslow's conclusion that these were primarily the interests of the metropolitan areas of Central Canada, at least in the case of the development of Northern Alberta. Perhaps because his study did not go beyond 1914, and perhaps also because it was concerned with the areas of Northern Canada which have remained territories of the Dominion as well as with the northern areas of the provinces, Zaslow tends to underestimate the role of regional metropolitan interests and provincial governments in northern development. In the case of Northern Alberta, regional metropolitan interests were prominent in the initial pressures to open the region for mineral exploitation, transportation routes, and agriculture, and have progressively expanded their control over the natural resources of the region throughout the Twentieth Century. The creation of the Province of Alberta in 1905, within which was included much of the sparsely populated District of Athabaska, and its acquisition of jurisdiction over natural resources in 1930, greatly increased the ability of communities such as Edmonton to control the development of this northern hinterland.

Although this thesis is constructed on a much narrower base of data than Zaslow's work, it does suggest that the metropolis/hinterland approach to the study of Canadian society and history has tended to over-emphasize the extent to which frontier development in Canada has been initiated and controlled from the financial and industrial centres of Ontario and Quebec. It suggests the need for further research on the development of regional metropolitan power and its role in frontier development.

According to Colthart, the most important prediction of the metropolis/hinterland thesis is that the outflow of human, natural, and capital resources from the hinterland leads to the structural underdevelopment of the region.[3] Where the power of the metropolis is realized in ownership and control of production and distribution, the hinterland tends to remain an exporter of unprocessed natural resources and is dependent upon the metropolis for investment, technology, markets and high-valued goods. The hinterland's ability to adapt to external factors becomes very limited:

> The satellite's adaptability or response ability is limited to shifts in export base. The region does not initiate change. Further, when external shifts in supply and demand adversely affect the region's export base, the region may not be able to adapt. A rural-staple satellite can adapt only to the extent that it can exploit other natural resources since, presumably, major ancillary developments were not induced previously.[4]

A hinterland with a substantial natural resource base will have considerably greater adaptability than one with a limited resource base and may even be able to use this to advantage in expanding its control over production and distribution and thus improve its position in relation to the power of the metropolis.

Apart from the presence of a substantial natural resource base in a region, the resources must be controlled by the hinterland population rather than by the metropolis if they are to be fully utilized to the advantage of regional development. Colthart is not specifically concerned with this issue of control of natural resources, probably because in the analysis of most metropolis/hinterland relations of an international or interprovincial nature it can be treated as an independent variable, established by stable constitutional and legal codes. On occasion, however, and particularly during periods of readjustments to previously stable metropolis/hinterland relations, the issue of control of natural resources can become a central issue. In this country, the natural resources question occasionally surfaces as the central issue of regional development and federal-provincial relations when one level of government perceives that it lacks sufficient control over one or more key resources to adapt successfully to external threats or opportunities. In the relatively stable political environment of Canada the conflict is generally focused on differing interpretations of constitutional powers and is resolved through a combination of court decisions and federal-provincial conferences.

The Indian population of Northern Alberta has remained socially and economically distinct from the settler population and has even, to a great extent, remained geographically separate on Indian reserves and in isolated communities. It must, therefore, be treated as a distinct hinterland population with a substantially different relationship to the Canadian social structure than that of the settler population of Northern Alberta. Whether by choice or not, the Indian population has not taken full advantage of the business, employment, and educational opportunities available to settlers but has remained on a course of separate development with different opportunities.

Like any other hinterland, the Indian communities of Northern Alberta have been dependent on natural resources for economic development. Since the negotiation of Treaty 8, considered by most Indians as a charter of their rights, these communities have gradually lost a very large degree of the control over natural resources which they once exercised. As a consequence they now find themselves in an extreme hinterland position, lacking not only control over production and distribution but natural resources as well.

To the extent that the development of Indian communities has been dependent on the control of natural resources, the interests of these communities have been in direct conflict with regional metropolitan interests. The primary source of this conflict would appear to be the fact that the settler communities of the prairies have also been in the position of heavy reliance on the control of natural resources as a major component of their development plans. Through successive stages of acquiring and consolidating control over natural resources, settler communities of Alberta have achieved a high degree of development despite having little control over markets or national political institutions and despite a relatively undeveloped manufacturing sector. Thus, the process of development of a regional metropolis has required an aggressive opposition to any interests which might compete with the settlers for the control of resources. As residents of the Northern Alberta hinterland, Indian people have felt the effects of this expanding power of the settlers, in their inability either to assert substantial control over declining traditional resource based activities or to derive substantial benefits from modern forms of resource exploitation. Furthermore, as citizens of Canada whose rights are primarily the constitutional responsibility of the federal government, the Indian people have suffered the consequences of the declining influence of that government in Northern Alberta.

Although our research results cannot be generalized beyond the case of Northern Alberta, they may be seen as support for the thesis that aboriginal peoples find that their separate development is more often in direct conflict with settler states than with more distant colonial powers. Patterson suggests that this contrast between a relatively benign distant imperial government and its more aggressive and ruthless emigrant settlers is common to the experiences of native peoples throughout the world. Where the settlers have been ascendant as in Canada, United States, New Zealand, Australia, and South Africa, native peoples share a common subordinate condition.[5]

Arghiri Emmanuel states a similar argument in his analysis of African history. The emigrants from Europe who settled in Africa found themselves in a struggle on two fronts "...unyieldingly and wholeheartedly against the natives of the occupied territories, relatively and occasionally, but often very violently against the great capitalists 'back home'."[6] Traditional theories of imperialism, especially Leninism, have tended to identify the distant colonial governments and their multi-national enterprises as the primary exploiters of the native people, but Emmanuel argues that these forces have been able to come to terms with 'Africanization' and even with national independence in some circumstances.

> By contrast, the settler community could not come to terms with anything: neither with the trusts, nor with the metropolitan country - far less with Africanization or independence. It could be saved only by the secession from the metropolis and by setting up an independent 'white' state. The settlers did not fail to appreciate that this was the case, and soon gave it the concrete form of an explicit demand.
>
> The whole history of imperialism and colonization demonstrates plainly that the opposition between backward peoples and the small white settler is

> worst of all: and our refusal to allow for it in our classical descriptions of the class struggle will not eliminate this 'stubborn fact'.[7]

A comparative study of the relationships among Canadian native peoples, settler communities, and the Government of Canada, as these relationships developed in different regions and historical periods, might determine whether our findings could be generalized. For the present thesis, however, we will assume that the conflict between settler communities and native communities over control of the natural resources of Northern Alberta is not merely an historical or regional peculiarity but represents a conflict which is characteristic of frontier expansion. What, then, are the prospects for economic and social development for Northern Alberta Indians in the context of strong provincial government control of natural resources and in a period of substantial new development of frontier resources to meet demands for energy, forest products, tourism and recreation?

Although many different strategies for Indian development could be discussed here, they can be classified under two broad alternatives which have formed unbroken threads throughout the history of Indian-white relations: Indian communities can seek to preserve and even expand their status as separate and distinct communities with rights which are different from the rights of the settler communities and to gain the maximum degree of control over hinterland resources even at the expense of the settler communities; or Indian communities can seek to gain maximum benefit from the growing power and development of settler communities by working towards an identity of interests with the settlers and by breaking down some of the social, economic and geographic barriers that make Indian communities distinct from settler communities. Various aspects of this choice can be seen in the treaty negotiations and in government policies since 1899. It is not the sort of question that can expect an easy or clear-cut response but our analysis of Indian-white relations does suggest some likely consequences of either choice.

Our analysis suggests that any effort to expand Indian rights to natural resources will continue to face opposition from the provincial government. Success in this approach will almost certainly require a strong commitment from the federal government that Indian rights are of a relatively high priority in federal-provincial conflicts over natural resources. Although there are some indications that the federal government might be willing to use significant bargaining counters in order to win concessions from the provinces in the area of Indian resource rights,[8] it remains to be seen whether those rights will be a high priority in a period when natural resources, particularly energy resources, are of vital political importance to governments.

The alternative, perhaps best symbolized by the 'white paper' policy, of attempting to reduce the areas in which

Indians have a special status in law and in government programs, has been discredited by a vigorous negative response from Indian leaders. Yet, if Indian communities can not hope for greater success in upholding their distinctive rights and real development potential based on those rights, then integration and identification with the settler communities will continue to present itself as an alternative to continued dependency and marginality in the Canadian social structure.

FOOTNOTES

Chapter 1

1. Peter J. Usher, "The Bankslanders; Economy and Ecology of a Frontier Trapping Community," (unpublished Ph.D. thesis, University of British Columbia, 1970), pp.xxiv-xxix.

2. Ibid., p.xxvii.

3. Helen Buckley, "The Underdeveloped Region: A Special Problem in Development," (paper presented at the joint program of the American Sociological Association and the Rural Sociological Society, Montreal, August, 1964).

4. James S. Frideres, ed., Canada's Indians: Contemporary Conflicts (Prentice-Hall of Canada Ltd.; Scarborough: 1974), p.158.

5. See Andre Gunder Frank, Capitalism and Underdevelopment in Latin America (Monthly Review Press; New York: 1969).

6. See Arthur K. Davis, "Canadian Society and History as Hinterland Versus Metropolis," in Canadian Society: Pluralism, Change and Conflict, ed. by Richard J. Ossenberg (Prentice-Hall of Canada Ltd.; Scarborough: 1971), pp.6-32.

7. R.T. Naylor, "The Rise and Fall of the Third Commercial Empire of the St. Lawrence," in Capitalism and the National Question in Canada, ed. by Gary Teeple (University of Toronto Press; Toronto: 1972), pp.1-41.

8. Alice Jane Colthart, "The Metropolis-Hinterland Thesis and Regional Economic Development," (unpublished M.A. thesis, University of Alberta, 1975).

9. Peter J. Usher, Bankslanders: Economy and Ecology of a Frontier Trapping Community (Canada, Department of Indian and Northern Affairs; Ottawa: 1971).

10. Frank, p.9.

11. Colthart, pp.49-50.

12. Davis, Ossenberg, pp.13-14.

13. See Buckley, pp.1-2; See also Department of Regional Economic Expansion, "The Western Northlands," (unpublished manuscript, n.p., n.d.).

14. Naylor, Teeple, p.2.

15. Davis, Ossenberg, p.13.

16. Harry Johnson, "Trade, Development and Dependence," *Queen's Quarterly*, (Autumn, 1976), p.440.

17. Morris Zaslow, *The Opening of the Canadian North 1870-1914* (McClelland and Stewart Ltd.; Toronto: 1971).

18. Rene Fumoleau, OMI, *As Long as this Land Shall Last: A History of Treaty 8 and Treaty 11, 1870-1939* (McClelland and Stewart Ltd.; Toronto: n.d.).

19. Canada, Department of Indian and Northern Affairs, Indian Registry office.

Chapter 2

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2. Anthony D. Fisher, "The Cree of Canada: Some Ecological and Evolutionary Considerations," in *Cultural Ecology: Readings on the Canadian Indians and Eskimos*, ed. by Bruce Cox (McClelland and Stewart Ltd.; Toronto: 1973) pp.126-139.

3. James W. Vanstone, *Athapaskan Adaptations: Hunters and Fishermen of the Subarctic Forests* (Aldine Publishing Co.; Chicago: 1974) p.44.

4. Paulette *et.al.*, Supreme Court of the Northwest Territories (1973), testimony of June Helm, before Justice W.G. Morrow at Yellowknife, Northwest Territories, August 20, 1973 (p.77 and p.94).

5. Arthur J. Ray, *Indians in the Fur Trade: Their Role as Trappers, Hunters and Middlemen in the Lands Southwest of Hudson's Bay, 1660-1870* (University of Toronto Press; Toronto and Buffalo: 1974) p.59.

6. *Ibid.*, pp.19-21.

7. *Ibid.*, pp.61-70.

8. Ernest Voorhis, *Historic Forts and Trading Posts of the French Regime and of the English Fur Trading Companies* (Canada, Department of Interior; Ottawa: 1930) p.34.

9. *Ibid.*, p.52.

10. *Ibid.*, p.69 and p.107.

11. C.A. Dawson and R.W. Murchie, *The Settlement of the Peace River Country: A Study of a Pioneer Area* (the Macmillan Co. of Canada; Toronto: 1934) p.16.

12. William Peter Baergen, "The Fur Trade at Lesser Slave Lake, 1815-1831," (unpublished M.A. thesis, University of Alberta, 1967), p.25.

13. Vanstone, p.93.

14. Henry John Moberly and William Bleasdale Cameron, *When Fur Was King* (J.M. Dent and Sons; London and Toronto: 1929), p.142.

15. Ray, pp.98-102.

16. *Ibid.*, pp.117-123 and pp.141-144.

17. J. Foster "The Indian-White Relations in the Prairie West During the Fur Trade Period - A Compact?" (n.p., May, 1974, revised June, 1975).

18. *Ibid.*, p.16.

19. See Harold A. Innis, *The Fur Trade in Canada; An Introduction to Canadian Economic History* (University of Toronto Press; Toronto: 1962), p.288; See also Voorhis, p.63.

20. John S. Galbraith, *The Hudson's Bay Company as an Imperial Factor, 1821-1869* (University of Toronto Press; Toronto: 1957) pp.8-13.

21. Ray, p.198; Moberly and Cameron, pp.30-31.

22. Ray, pp.197-198.

23. Innis, *The Fur Trade in Canada; An Introduction to Canadian Economic History*, pp.287-288 and pp.318-319.

24. Ray, pp.201-203.

25. Quoted in George F.G. Stanley, *The Birth of Western Canada: A History of the Riel Rebellions* (University of Toronto Press; Toronto and Buffalo: 1961) p.47.

26. Galbraith, pp.335-336.

27. *Ibid.*, pp.341-342.

28. Ibid., pp.355-428.

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30. Rolf Knight, "A Re-examination of Hunting, Trapping and Territoriality Among the Northeastern Algonkian Indians," in Man, Culture and Animals: the Role of Animals in Human Ecological Adjustments, ed. by Anthony Leeds and A.P. Vayda (American Association for the Advancement of Science; Washington: 1965) p.41.

31. Ibid., p.36.

32. Bennett McCardle, "The Rules of the Game: the Development of Government Controls Over Indian Hunting and Trapping in Treaty 8 (Alberta) to 1930," (unpublished paper of Treaty and Aboriginal Rignts Research of the Indian Association of Alberta, May, 1976) p.155.

33. Vanstone, p.101.

34. See John J. Honigmann, "The Fur Trade as a Developmental Stage in Northern Algonkian Culture History," (paper presented at First Conference on Algonkian Studies, St. Pierre de Wakefield, September 13-15, 1968). Honigmann refers to the fur trade era as the 'Florescent Period' in his analysis of developmental stages of Northern Algonkian culture history. In this period, "...the newly derived cultural elements and certain persisting or reinterpreted aboriginal traits became integrated into an intricate new cultural organization that proved highly satisfying to the people themselves." (p.2).

35. Galbraith, p.332.

36. Ibid., pp.386-391.

37. Treaty and Aboriginal Rights Research of the Indian Association of Alberta, interviews with various Indian elders.

38. Fumoleau, p.31.

39. PAC, RG 10, Vol. 3708, file 19502-1, letter of September 27, 1880.

40. PAC, RG 10, Vol. 4006, file 241209-1, letter of November 5, 1883.

41. Ibid., letter of May 27, 1884.

42. PAC, RG 10, Vol. 3708, file 19502-1, letter of January 31, 1888, from Peter Lunn.

43. Ibid., article from Calgary Tribune, February 5, 1887.

44. Zaslow, p.74.

45. PAC, RG 10, Vol. 3708, file 19502-1.

46. Ibid.

47. PAC, RG 15, Vol. 509, file 143882.

48. Canada, (author unknown), "Report on a Portion of the District of Athabasca", (Queen's Printer; Ottawa: 1893).

49. Canada, Parliament, Annual Report, Geological and Natural History Survey of Canada, Vol. 4, 1888-1889 (William Foster and Brown Co.; Montreal: 1890) pp.31D and 32D.

50. Fumoleau, p.40.

51. Canada, Senate, Journal, 1888, p.163.

52. Zaslow notes on p.92 "The question of whether or not the region was a good farming district still was unresolved; boosters generalized from the few successful farms along the Peace River valley, critics from the disappointing results of the few farms on the plateau."

53. PAC, RG 15, Vol. 509, file 143882.

54. PAC, RG 15, Vol. 552, file 164187, proposal of Mr. Diggles, December 14, 1387. See also University of Alberta Archives, William Pearce Papers, Box 24, file 12-A018, proposal of Mr. Van Horne. It is not certain whether these were two separate proposals.

55. Fumoleau, p.41.

56. Alberta Resources Commission, "Statement of World Policy in Regard to Petroleum", Alberta Provincial Library, Edmonton, 1934. Vol. I, p.16.

57. PAC, RG 10, Vol. 3848, file 75236-1, Report of the Privy Council, January 26, 1891.

58. Ibid., letter of July 3, 1891, Hon. E. Dewdney, Superintendent General of Indian Affairs to L. Vankoughnet, Deputy Superintendent General.

59. Fumoleau, p.43.

60. University of Alberta Archives, William Pearce Papers, Box 49, file 14-F-9.

61. Ibid.

62. PAC, RG 15, Vol. 710, file 362488, speeches of Hon. Charles Herbert Mackintosh, August 2, 1894, and September 29, 1896.

63. Fumoleau, pp.29-30.

64. Canada, Parliament, Annual Report of the North West Mounted Police, 1898, Part 2, p.10.

65. Ibid., 1897, p.170.

66. Ibid., 1896, Part 2, p.96.

67. Ibid., 1896, p.105.

68. Fumoleau, p.53.

69. Quoted by Fumoleau, p.53.

70. Fumoleau, pp.53-54.

71. Zaslow, p.107.

72. Charles Mair, Through the Mackenzie Basin: A Narrative of the Athabasca and Peace River Expedition of 1899 (W. Briggs; Toronto: 1908) pp.23-24.

73. PAC, RG 10, Vol. 3848, file 75236-1, article from Ottawa Citizen, June 30, 1898.

74. PAC, RG 15, Vol. 740, file 438655, memorandum of November 26, 1897, Clifford Sifton to Governor General in Council.

75. PAC, RG 15, Vol. 740, file 440304, and file 439739.

76. PAC, RG 15, Vol. 740, file 438655.

77. Ibid., Resolution of the Legislative Assembly of the North West Territories, November 11, 1897.

78. Ibid., Privy Council report, May 16, 1899.

79. PAC, RG 10, Vol. 3848, file 75236-1. Letter of November 30, 1897, James Walker to the Deputy Superintendent General of Indian Affairs.

80. *Ibid.*, letter of December 18, 1897, J.D. McLean, Secretary of Indian Affairs to A.E. Forget, Commissioner.

81. Quoted in Fumoleau, pp.49-50.

82. Paulette *et. al.*, Supreme Court of the Northwest Territories (1973), "Caveator's Brief", p.151.

83. Arthur J. Ray, *Indians in the Fur Trade: Their Role as Trappers, Hunters and Middlemen in the Lands Southwest of Hudson's Bay, 1660-1870* (University of Toronto Press; Toronto and Buffalo: 1974).

84. John E. Foster, "Rupert's Land and the Red River Settlement 1820-70" in *The Prairie West to 1905: A Canadian Sourcebook*, ed. by Lewis G. Thomas (Oxford University Press; Toronto: 1975) pp.19-69.

Chapter 3

1. Canada, Indian Affairs and Northern Development, *Treaty No. 8, Made June 21, 1899 and Adhesions, Reports, Etc.* (Queen's Printer; Ottawa: 1966) p.3.

2. PAC, RG 10, Vol. 3848, file 75236-1, Public Notice, June 1898.

3. Fumoleau, pp.65-66.

4. PAC, RG 10, Vol. 3848, file 75236-1, letter of January 25, 1899, Clifford Silfton to Rev. Charles R. Weaver.

5. *Ibid.*, letter of February 3, 1899, David Laird, Indian Commission to W.H. Routledge, Inspector, North West Mounted Police.

6. *Ibid.*, letter of April 17, 1899, J.A. McKenna to the Superintendent General of Indian Affairs.

7. *Ibid.*, letter of May 12, 1899, Clifford Sifton to Hon. David Laird, J.A.J. McKenna and Hon. J.H. Ross.

8. *Ibid.*, letter of June 18, 1898 from Sifton to the Governor General.

9. Fumoleau, p.62.

10. A more detailed discussion of these points may be found in Fumoleau, pp.58-60.

11. PAC, RG 10, Volume 3848, file 75236-1.

12. Ibid., Order in Council 1703, June 27, 1898: "The Minister also considers that, as to the territory to be ceded, the Commissioners will likewise have to be given discretionary power, for its extent will depend upon the conditions which are found to exist as a consequence of the inroads of white population; but he is of the opinion that the territory to be treated for may in a general way be restricted to the provisional district of Athabasca, and such of the country adjacent thereto as the Commissioners may deem it expedient to include within the treaty."

13. Canada, Indian Affairs and Northern Development, pp.6-7.

14. PAC, RG 10, Vol. 3848, file 75236-1, Order in Council 1703, June 27, 1898.

15. Canada, Indian Affairs and Northern Development, p.5.

16. See PAC, RG 10, Vol. 3848, file 75236-1, article from Edmonton Bulletin, July 10, 1899; and Emile Jean Baptiste Marie Grouard, Souvenirs de Mes Soixante Ans d'Apostolat dans l'Athabasca-Mackenzie (Librairie Catholique; Lyons-Paris: 1923) p.368. Grouard's account states that the Indians selected their leaders between the first and second meeting. Mair's account agrees with that of the Edmonton Bulletin.

17. Charles Mair, Through the Mackenzie Basin: A Narrative of the Athabasca and Peace River Expedition of 1899 (W. Briggs; Toronto: 1908).

18. Two of these articles may be found in RG 10, Vol. 3848, file 75236-1.

19. Grouard, pp.357-374.

20. PAC, RG 10, Vol. 3848, file 75236-1, article from Edmonton Bulletin, July 10, 1899.

21. William Okeymow, interviewed in Cree by Richard Lightning, March 27, 1975, translated and transcribed by Richard Lightning.

22. PAC, RG 10, Vol. 3848, file 75236-1, article from Edmonton Bulletin, July 10, 1899.

23. Mair, pp.56-59.

24. Ibid., p.59.

25. Ibid., pp.59-60.

26. Ibid., p.60. The Edmonton Bulletin report attributes the quoted speech to Wahpeehayo rather than Moostoos, and records that he went on to ask for hay grounds for his cattle and a pair of boots like Commissioner McKenna's.

27. Ibid., p.60.

28. Ibid., p.61.

29. Ibid., pp.61-62.

30. PAC, RG 10, Vol. 3848, file 75236-1, article from Edmonton Bulletin, July 10, 1899.

31. Mair, p.62.

32. Ibid., p.63.

33. PAC, RG 10, Vol. 3848, file 75236-1, article from Edmonton Bulletin, July 10, 1899.

34. Canada, Indian Affairs and Northern Development, p.12.

35. Ibid., pp.12-13.

36. Ibid, p.6.

37. Ibid., pp.13-14.

38. Ibid., p.7.

39. PAC, RG 10, Vol. 3848, file 75236-1, letter of June 23, 1899, D. Laird to Superintendent General of Indian Affairs.

40. Mair, p.64.

41. Canada, Indian Affairs and Northern Development, pp.6-7.

42. Samuel Giroux, interviewed by Dave Kappo and Lawrence Courtoreille, date not recorded.

43. Frank Cardinal, interviewed by Dave Kappo and Dan McLean, November 21, (year not recorded), transcribed by Lawrence Courtoreille.

44. Quoted in Fumoleau, pp.74-75. Original document located in Roman Catholic Mission Archives, Fort Smith, Northwest Territories.

45. Jean-Marie Mustus, interviewed in Cree at Jussard, Alberta, March 26, 1975, by Richard Lightning; translated and transcribed by Richard Lightning.

46. William Okeymow, interviewed in Cree by Richard Lightning, March 27, 1975, translated and transcribed by Richard Lightning.

47. Grouard, p.370.

48. Quoted in Fumoleau, p.67.

49. PAC, RG 10, Vol. 3848, file 75236-1, article from Edmonton Bulletin, July 10, 1899.

50. Grouard, pp.372-373.

51. Mair, p.65; and RG 10, Vol. 3848, file 75236-1, letter of July 1, 1899.

52. Canada, Indian Affairs and Northern Development, p.7.

53. Thomas Roberts, interviewed by Abraham Burnstick, Alexis Simon and Nelson Adams (n.d.); transcribed by Rik Yellowbird.

54. Canada, Indian Affairs and Northern Development, p.5.

55. Grouard, p.374.

56. Quoted in Fumoleau, pp.77-78. From OMI Archives, Fort Smith, 091 MC Codex and "Chronique de la Mission de la Nativete", Vol. 1. pp.56-58.

57. Quoted in Fumoleau, p.78, from Breynat's book Cinquante Ans au Pays des Neiges, Vol. 1, pp.186-187.

58. Mair, pp.65-66.

59. This view of the elders is supported by Pierre Mercredi, one of the treaty interpreters, who made a statement in 1939 to the effect that the original treaty document which he translated did not contain any reference to the application of hunting regulations to Indians (see Fumoleau, p.79). We have found no other archival evidence to suggest that the terms of the treaty were altered in this manner.

60. Fumoleau, pp.78-79.

61. Paulette et. al., Supreme Court of the Northwest Territories (1973), testimony of Antoine Beauliea pp.311-318, and Chief Francois Paulette, pp.154-157.

62. PAC, RG 10, Vol. 6732, file 420-2, extract of letter of July 26, 1899, J.A.J. McKenna.

63. Canada, Indian Affairs and Northern Development. p.16.

64. Fumoleau, pp.79-80.

65. Fumoleau, p.81.

66. William McDonald, interviewed by Richard Lightning at Fort McKay, February 9, 1974, translated and transcribed by Richard Lightning.

67. Canada, Indian Affairs and Northern Development, p.20.

68. Ibid., p.21.

69. Ibid.

70. Ibid.

71. Melanie Hamelin, interviewed by Dave Kappo and Dan McLean, (n.d.) transcribed by Lawrence Coutoreille.

72. Isadore Willier, interviewed by Dave Kappo, November 18, 1972, translated and transcribed by Sandra Littlechild.

73. Felix Gibot, interviewed by Richard Lightning, February 5, 1974, translated and transcribed by Richard Lightning.

74. Francis Bruno, interviewed in Chipewyan by J. Deranger, February 7, 1974, translated and transcribed by J. Deranger.

75. Paulette et. al., Supreme Court of the Northwest Territories, (1973), testimony of June Helm, August 20, 1973, pp.33-34.

76. Walter H. Nelson, V.F. Valentine, Leonard L. Brown, James Koe, and Chief Baptiste Cazon, "Report of the Commission Appointed to Investigate the Unfulfilled Provisions of Treaties 8 and 11 as they Apply to the Indians of the Mackenzie District (1959)," (reprinted by Indian-Eskimo Association of Canada; Toronto: 1970), pp.4-5.

77. Canada, Indian Affairs and Northern Development, p.5.

78. Ibid., pp.5-6.

Chapter 4

1. See David H. Breen, "The Ranching Frontier in Canada 1875-1905," in The Prairie West to 1905: A Canadian Sourcebook ed. by Lewis G. Thomas, pp.220-225.

2. Ibid., pp.223-225.

3. Ibid., p.223.

4. William S. Waddell, "The Honourable Frank Oliver," (unpublished M.A. thesis, University of Alberta, 1950) pp.125-132.

5. Editorial, Edmonton Bulletin, January 12, 1880.

6. Editorial, Edmonton Bulletin, November 3, 1883.

7. Canada, House of Commons, Debates, March 9, 1898, pp. 1495-1503.

8. Waddell, p.169.

9. See for example J.W. Dafoe, Laurier: A Study in Canadian Politics, (McClelland & Stewart; Toronto: 1963); H.B. Neatby, Laurier and Liberal Quebec: A Study in Political Management, (McClelland & Stewart; Toronto: 1972); and J. Schull, Laurier: The First Canadian, (Macmillan; Toronto: 1965).

10. Clifford Sifton, Minister of Interior, from: Canada, House of Commons, Debates, 1901, p.2072, quoted in The Prairie West to 1905: A Canadian Sourcebook, ed. by Lewis G. Thomas, p. 125.

11. David J. Hall, "Clifford Sifton and Canadian Indian Policy, 1896-1905," (unpublished paper, n.p., July, 1975), p.5.

12. Ibid., p.10.

13. Canada, House of Commons, Debates, June 15, 1906, p.5422.

14. Ibid., April 26, 1911, pp.7825-7826.

15. Lewis G. Thomas, The Liberal Party in Alberta: A History of Politics in the Province of Alberta, 1905-1921, (University of Toronto Press; Toronto: 1959), pp.9-14.

16. Canada, House of Commons, Debates, March 28, 1905, p.3357.

17. Thomas, The Liberal Party in Alberta, pp.13-14.

18. Canada, House of Commons, Debates, March 24, 1905, p.3157.

19. Thomas, The Liberal Party in Alberta, p.28.

20. Ibid., pp.32-33.

21. Ibid., pp.62-151.

22. Ibid., p.65.

23. Zaslow, p.239.

24. J.G. MacGregor, Paddle Wheels to Bucket Wheels on the Athabasca, (McClelland and Stewart Limited; Toronto: 1974) p.137.

25. See L.V. Kelly, North With Peace River Jim, with introduction and editing by Hugh A. Dempsey (Glenbow Alberta Institute; Calgary: 1972).

26. Cornwall continued to defend Premier A.C. Rutherford's railway policies long after they had led to the collapse of his government and in the 1921 election he was one of five candidates who ran in Edmonton constituencies for "...an independent movement, claiming to stand for the interests of the city in relation to the province." (L.G. Thomas, The Liberal Party in Alberta, p.203).

27. MacGregor, pp.142-145.

28. Zaslow, p.201.

29. Thomas, The Liberal Party in Alberta, pp.86-106.

30. Editorial, Edmonton Bulletin, March 10, 1883.

Chapter 5

1. Bennett McCardle and Richard Daniel, "Research Papers on the Implementation of Treaty 8: The Development of Farming in Treaty 8," (unpublished paper of Treaty and Aboriginal Rights Research of the Indian Association of Alberta, February, 1976) pp.9-10.

2. Ibid., p. 60.

3. PAC, RG 10, Vol. 7777, file 27131-1, letter, dated only 1900, Kinosao, Moustous, Phyllis (Felix Giroux) and Weetuwaysis, to Superintendent General of Indian Affairs.

4. Ibid., letter of February 20, 1900, J.A.J. McKenna to Deputy Superintendent General of Indian Affairs; letter of February 5, 1900, David Laird to Secretary of Indian Affairs; and letter of November 10, 1900, J. Macrae to Secretary of Indian Affairs.

5. Canada, Parliament, Sessional Papers, various years, Department of Indian Affairs and Department of Mines and Resources; Also Department of Indian Affairs and Northern Development, Indian Land Registry.

6. PAC, RG 10, Vol. 7777, file 27131-1, letter of November 10, 1900, J. Macrae to Secretary of Indian Affairs.

7. PAC, RG 10, Vol. 3569, file 84-21, letter of July 16, 1905, J. Lestock Reid to David Laird.

8. DIAND, file 777/30-11, undated letter from Alexis Willier, Wm. Hamelin, and Francis Lecapitaine.

9. PAC, RG 10, Vol. 7778, file 27131-6, petition of December 5, 1911.

10. PAC, RG 10, Vol. 7778, file 27131-6.

11. Ibid., letter of November 28, 1913, W.W. Cory, Deputy Minister, Department of Interior to Hon. W.J. Roche, Minister.

12. DIAND, file 779/30-10-174, vols. 1 and 2; DIAND, file 779/30-10-174A.

13. PAC, RG 10, Vol. 7777, file 27131-5; See also file 27131-1.

14. PAC, RG 10, Vol. 7777, file 27131-5, letter of July 30, 1914, W.B.L. Donald to Secretary of Indian Affairs..

15. Ibid., letter of November 12, 1920, Department of Interior to Secretary of Indian Affairs.

16. For an example of successful resistance to Department of Interior pressure see dispute concerning Pakashan Reserve in 1902 in which Frank Oliver attempted to uphold the rights of a Metis settler over those of an Indian (DIAND, file 777/30-24).

17. See PAC, RG 10, Vol. 7777, file 27131-1.

18. PAC, RG 10, Vol. 4019, file 279,393-9, letter of June 11, 1913, J.D. McLean to I.J. Steele; Vol. 7777, file 27131-1, extract of report by Inspector Conroy, 1914; Vol. 7778, file 27131-17, report of N.P. L'Heureux August 9, 1937.

19. DIAND, file 777/30-1, vol.1.

20. DIAND, Lesser Slave Lake District file 777/30-1, vol. 2, letter of March 27, 1952, G.S. Lapp to Regional Supervisor.

21. Ibid.

22. DIAND, file 1/1-11-5, vol. 1, letter of January 31, 1933, Secretary of Indian Affairs to M. Christianson.

23. Ibid., letter of September 29, 1932, M. Christianson to Mr. Williams.

24. Ibid., letter of February 20, 1933, Mr. Christianson to Secretary of Indian Affairs.

25. McCardle and Daniel, pp.7-8.

26. Ibid., pp.6-59.

27. Canada, Parliament, Sessional Papers, 1912, Department of Indian Affairs, pp.131-148 and p.xx.

28. Ibid., 1914, Department of Indian Affairs, p.126.

29. Ibid., 1912, Department of Indian Affairs, p.xx.

30. Ibid., 1913, Department of Indian Affairs, p.xxix; See also PAC, RG 10, Vol. 4042, pp. 336-877, report of H.J. Bury, November 7, 1913. Bury was commissioned by the Departments of Interior and Indian Affairs to report on the Treaty 8 and Mackenzie River areas. On page 29 of his report he states that the Fort Smith and Fort Simpson Agencies were established "...primarily for the purpose of dealing at first hand with the question of relief, and also to carry out certain experiments in farming, in order to illustrate the possibilities in the north for agriculture."

31. PAC, RG 10, Vol. 7629, file 17134, letter of October 21, 1921, H.A. Conroy to D.C. Scott.

32. Ibid., Revenue data on this file are very incomplete but it would appear that only during the last two years of its operation did the mill produce revenues in excess of operating costs.

33. Ibid.,letter of March 27, 1920, J.D. McLean to G. Card.

34. Ibid., letter of October 15, 1916, Bishop G. Breynat to D.C. Scott.

35. Ibid., letter of March 27, 1920, J.D. McLean to G. Card.

36. Ibid., letter of April 11, 1921, Secretary of Indian Affairs.

37. Canada, Parliament, Sessional Papers, 1917, Department of Indian Affairs, p. 83.

38. Canada, Parliament, Annual Report of the North West Mounted Police, 1912, pp.208-209.

39. Ibid., pp.206-209.

40. See Canada, Parliament, Sessional Papers, 1910, Department of Indian Affairs, p.202; 1913, Department of Indian Affairs, p.193; 1915 Department of Indian Affairs, p. 78; Annual Report of the North West Mounted Police, 1910, p.192.

41. Canada, Parliament, Sessional Papers, Department of Indian Affairs, p.84.

42. PAC, RG 10, Vol. 5565, p.520, letter J.D. McLean to H.A. Conroy. This expenditure is confirmed by the Annual Report of the Auditor General for 1915-1916.

43. Canada, Parliament, Sessional Papers, 1917, Department of Indian Affairs, pp.79-80.

44. McCardle and Daniel, pp.70-81.

45. PAC, RG 10, Vol. 7535, file 26131-1, letter of May 7, 1919, Arthur Meighen to Brig.-Gen'l, W.A. Greisback, M.P.

46. Ibid., letter of June 13, 1919, D.C. Scott to Hon. Mr. Meighen; letter of July 17, 1919, W.M. Graham to D.C. Scott; letter of March 2, 1920, D.C. Scott to Hon. Mr. Meighen.

47. PAC, RG 10, Vol. 7535, file 26131, vols. 1-6; Vol. 7544, file 29131-9.

48. McCardle and Daniel, pp.40-43.

49. British North America Act, 1930.

50. PAC, RG 10, Vol. 6820, file 492-4-2, memorandum of January 9, 1926, signed by Hon. Ernest Lapointe, Minister of Justice (Canada); Hon. Charles Stewart, Minister of Interior (Canada); Hon. J.E. Brownlee, Premier (Alberta); Hon. Vernon C. Smith, Minister of Railways and Telephones (Alberta).

51. PAC, RG 10, Vol. 7748, file 27001, letter of February 25, 1938, W.W. Cory, Solicitor, Indian Affairs Branch to H.W. McGill, Director, Indian Affairs Branch; See also RG 13-A3, letterbook #234, page 1251. In 1933 the Saskatchewan Government held the view that the corresponding clause of their transfer agreement applied only to lands in the selection of which the Superintendent General and the appropriate Minister of the Province agreed.

52. Canada, Indian Affairs and Northern Development, p.21.

53. Notes of Evidence in the matter of Order P.C.C.744 and in the matter of an enquiry into the question of membership of certain individuals in the Indian bands of Lesser Slave Lake Agency; before Mr. Justice W.A. Macdonald.

54. Canada, Indian Affairs and Northern Development, "Treaty Annuity Paylists" (unpublished lists, Ottawa).

55. PAC, RG 10, Vol. 7972, file 62/131, vols 1-2.

56. PAC, RG 10, Vol. 7125, file 777/3-5, vol. 1, letter of July 6, 1935, N.P. L'Heureux to Secretary of Indian Affairs.

57. PAC, RG 10, Vol. 7778, file 27131-17, extract from report of September 16, 1938, N.P. L'Heureux, Indian Agent.

58. Colin Trindle, interviewed in Cree by Richard Lightning, August, 1974, translated and transcribed by Richard Lightning.

59. PAC, RG 10, Vol. 7778, file 27131-17, undated letter, A.M. Fisher to "Indian Dept. of Affairs" (sic).

60. PAC, RG 10, Vol. 8068.

61. PAC, RG 10, Vol. 7125, file 777/3-5, vol. 1, letter of May 6, 1947, McCrimmon to Adrien Landry.

62. PAC, RG 10, Vol. 7778, file 27131-17, letter of March 31, 1937, T.R.L. MacInnes, Secretary of Indian Affairs to H.F. Peters, Surveyor-General of Mines and Resources.

63. Ibid., letter of April 23, 1937, H.W. McGill, Director of Indian Affairs to Deputy Minister of Natural Resources, Alberta.

64. Ibid., letter of December 13, 1937, F.H. Peters to C.C. Parker, Superintendent of Reserves and Trusts, Indian Affairs Branch.

65. PAC, RG 10, Vol. 7972, file 62-131, vol. 2, letter of July 14, 1942, M. McCrimmon to Director, Indian Affairs Branch.

66. Peter A. Cumming and Neil H. Mickenberg, eds., Native Rights in Canada, (Indian-Eskimo Association of Canada in association with General Publishing Co. Limited; Toronto: 1972). pp.202-203 and Appendix 5.

67. There is some evidence that in 1938 and 1939 the appropriate federal and provincial Ministers were engaged in negotiations concerning the land entitlement of several Northern Alberta bands (see PAC, RG 10, Vol. 7778, file 27131-17, letter of June 23, 1938, J. Harvie, Deputy Minister of Lands and Mines, Alberta, to Dr. McGill, Director, Indian Affairs Branch).

At the same time the Director of the Indian Affairs Branch was seeking a legal opinion on whether the three prairie provinces were obligated under the transfer agreements to follow the policies established by the federal government prior to 1930 concerning the establishment of reserves (see PAC, RG 10, Vol. 7748, file 27001, letter of February 18, 1938, Dr. McGill, Director of Indian Affairs Branch to K.R. Daly, Senior Solicitor, Department of Mines and Resources, Canada).

In February, 1942, just a few months before Indian Affairs acted to trim the membership lists, provincial officials requested a comprehensive statement of outstanding entitlement in Alberta (see DIAND, Alberta Regional Office file 701/30-1, vol. 1, T.W. Dalkin, Superintendent of Technical Division, Alberta Lands and Forests Department to C.P. Schmidt, Inspector of Indian Agencies).

68. Richard Price, "Federal-Provincial Relations and Indian Land Claims: The Alberta Situation," (unpublished paper, Political Science 420, University of Alberta, March, 1977), p.24.

69. See, for example, PAC, RG 10, Vol. 7778, file 27131-17.

70. Judd Buchanan, Minister of Indian Affairs and Northern Development, "Memorandum to Cabinet", December 6, 1974; See also Nancy Cooper, "Ottawa vs. the Indians" in *The Globe and Mail*, October 23, 1976, p. 8. This article concerns a confidential memo from Arthur Kroeger, Deputy Minister, to Judd Buchanan, Minister, which reads, in part, "We are having problems [in the treaty areas south of the 60th parallel] over the amount of such additional entitlement and also with persuading the provinces to cooperate."

71. Canada, Parliament, *Annual Report of the North West Mounted Police*, 1906, p.138.

72. McCardle, p. 1.

73. *Ibid.*, p.51.

74. *Ibid.*, p.55.

75. *Ibid.*, p.5.

76. PAC, RG 10, Vol. 6920, file 777/28-3, vol. 1, letter of July 3, 1917, Sgt. W.C.A. Johnston to Commanding Officer, Peace River.

77. Canada, Parliament, *Sessional Papers*, 1921, Department of Indian Affairs, p. 34.

78. Canada, House of Commons, *Debates*, April 24, 1923, p. 2146.

79. Fumoleau, pp.360-370.

80. Canada, House of Commons, *Debates*, June 13, 1938, p.3799.

81. Canada, Parliament, *Annual Report of Department of Indian Affairs* to March 31, 1929, pp.7-8.

82. Fumoleau, p.369.

83. Canada, Parliament, *Annual Report of the Department of Mines and Resources*, p.156.

84. McCardle, pp.50-81.

85. PAC, RG 10, Vol. 6921, file 779/28-3, vol. 2, letter of August 16, 1921, G. Card to Secretary of Indian Affairs.

86. PAC, RG 10, Vol. 6731, file 420-1, letter of July 7, 1926, H.J. Bury to Deputy Superintendent General.

87. PAC, RG 10, Vol. 4085, file 496,658-1-5.

88. See McCardle and Daniel.

89. PAC, RG 10, Vol. 6921, file 779/28-3, vol. 1, report of Agent Card, August 15, 1922.

90. Fumoleau, pp.237-238.

91. PAC, RG 10, Vol. 6731, file 420-1-2, "Statement submitted by the representative of the Department of Indian Affairs at the Conference of Dominion and Provincial Game Officials held at Ottawa, January 24, 25, 26, 1928 with respect to the need for setting aside special hunting reserves for Indians."

92. PAC, RG 10, Vol. 6732, file 420-2B, letter of March 6, 1923, George Hoadley to Charles Stewart.

93. Ibid., letter of October 31, 1923, George Hoadley to J.D. McLean; letter of November 13, 1923, D.C. Scott to Charles Stewart; letter of November 20, 1924; D.C. Scott to Charles Stewart.

94. Ibid., letter of May 22, 1924, G. Card to D.C. Scott.

95. Ibid., letter of October 20, 1924, G. Card to Charles Stewart; letter of October 28, 1924, G. Card.

96. Ibid., letter of October 28, 1924, G. Card to D.C. Scott.

97. Ibid., letter of October 20, 1924, G. Card to Charles Stewart.

98. PAC, RG 10, Vol. 4085, file 496,638, vol. 5; and PAC, RG 10, Vol. 6731, file 420-1, letter of July 7, 1926, H.J. Bury to Deputy Superintendent General.

99. PAC, RG 10, Vol. 6732, file 420-2B, letter of September 17, 1926, W.M. Graham to D.C. Scott.

100. Ibid., memo to file, September 27, 1926.

101. Ibid., letter of February 20, 1927, Jonas Laviolette to "the Chief of the Indian Department".

102. Ibid., petition of March 1, 1927.

103. Ibid., letter of December 6, 1927, Gerald Card to J.D. McLean and letter of April 5, 1927, Harold Laird to D.C. Scott.

104. Ibid., letter of October 28, 1927, B. Lawton to J.D. McLean.

105. Ibid., letter of September 24, 1927, George Hoadley to J.D. McLean.

106. Canada, Parliament, Annual Report of the Department of Indian Affairs to March 31, 1936, p. 16.

107. Canada, House of Commons, Debates, June 6, 1928, p. 3825.

108. PAC, RG 10, Vol. 6731, file 420-1, letter of February 14, 1929, Premier of Alberta to Charles Stewart; Provincial Archives of Alberta, Premier's Papers, file 0015, letter of February 19, 1929, B. Lawton to George Hoadley.

109. Alberta Natural Resources Act, 1930.

110. Canada, House of Commons, Debates, May 2, 1932, p. 2573.

111. Alberta, Legislative Assembly, Sessional Papers, 1923-1924, Reports of Department of Agriculture: Reports of Chief Game and Fish Guardian.

112. Ibid., 1923.

113. Ibid., 1933.

114. Ibid., 1923.

115. PAC, RG 10, Vol. 6921, file 779/28-3, vol. 2, report of Agent Card for August 26, 1930.

116. PAC, RG 10. Vol. 6921, file 779/28-3, vol. 2; Fumoleau, pp.288-291; and PAC, RG 10, Vol. 6733, file 420-2, letter of March 31, 1936, Jonas Laviolette.

117. See Fumoleau, pp.340-341.

118. PAC, RG 10, Vol. 6733, file 420-2-1, letter of May 6, 1938.

119. Canada, House of Commons, Debates, June 13, 1938, p. 3799, T.A. Crerar.

120. PAC, RG 10, Vol. 6733, file 420-2-1, vol 1, letter of March 21, 1939, T.A. Crerar to W.W. Cross.

121. PAC, RG 10, Vol. 6733, file 420-2-1, vol. 1.

122. PAC, RG 10, Vol. 6731, file 420-1, memo, February 23, 1934, H.W. McGill.

123. PAC, RG 10, Vol. 6733, file 420-2, vol. 5, letter of March 9, 1940, C.P. Schmidt to Secretary of Indian Affairs.

124. Ibid., file 420-2-2, vol. 1, letter of February 3, 1940, D.B. Mullen to C. Camsell.

125. Dawn Balazs, "A Preliminary Study of the Registered Trapline System," (unpublished paper of Treaty and Aboriginal Rights Research of the Indian Association of Alberta, March 1976), pp.12-24.

126. Ibid., p.90.

127. Ibid., p.86.

128. Ibid., p.140.

129. Ibid., p.86.

130. Ibid., p.141.

131. Ibid., pp.116-142.

132. Ibid., p.140.

133. For an interesting discussion of the limited role of traditional industries in northern economies see Hellen Buckley "The Underdeveloped Region: A Special Problem in Development."

134. PAC, RG 10, Vol. 6922, file 779/28-3, vol. 6, J.W. Stewart, Indian Agent, "Report of Treaty Trip: Athabaska Agency, 1947."

135. See Don Whiteside, "Efforts to Develop Aboriginal Political Associations in Canada 1850-1965," (Aboriginal Institute of Canada; Ottawa: January, 1974).

136. Ibid., p.83.

137. Canada, House of Commons, Debates, October 24, 1945, p.1445.

138. _Ibid_., May 13, 1946, p.1447.

139. _Ibid_., p.1446.

140. Whiteside, p. 83.

141. Treaty and Aboriginal Rights Research of the Indian Association of Alberta, interviews with Indian elders.

142. Canada, Joint Committee of the Senate and the House of Commons on Indian Affairs, _Minutes of Proceedings and Evidence_ (third session, 24th Parliament, 1960), No. 3, May 11, 12, & 13, 1960.

143. _Ibid_., p. 281.

144. _The Migratory Birds Convention Act_ of 1917 is federal legislation placing restrictions on the harvesting of migratory birds. It was enacted as a result of an international agreement between Mexico, United States and Canada.

145. Canada, Joint Committee of the Senate and the House of Commons on Indian Affairs, pp.155-156.

146. Indian Chiefs of Alberta, _Citizens Plus_, (a presentation to Right Honourable P.E. Trudeau, Prime Minister, and the Government of Canada; June, 1970).

147. _Ibid_., p.7.

148. Prime Minister Pierre Elliot Trudeau, "Remarks on Aboriginal and Treaty Rights," excerpts from a speech given August 8, 1969, in Vancouver, British Columbia, and reprinted as Appendix 6 in Cumming and Mickenberg.

149. Indian Chiefs of Alberta, p.4.

150. See Rene Fumoleau, _As Long as This Land Shall Last_.

151. _Ibid_., p.13.

152. Judd Buchanan, "Native Claims Policy: Summary," confidential memorandum of Minister of Indian Affairs and Northern Development, December 6, 1974, p.3; See also Nancy Cooper, "Ottawa vs. the Indians," _The Globe and Mail_, Toronto: October 23, 1976, p.8.

153. "Indians to Claim Oil Sands Treaty Rights Within Year," _Edmonton Journal_, June 20, 1974, p.50; See also "IAA Told to Lay Claim to Athabasca Oil Sands," _Edmonton Journal_, June 22, 1974, p.65.

154. John Tompkins, "Pact Could Give Crees Sands Stake," Edmonton Journal, August 1, 1974, p.3.

155. Indian Association of Alberta, "Statement to the Press," September 30, 1975.

156. Indian Association of Alberta, "Statement to the Press," October 27, 1975.

157. Ibid.

158. Larry Pratt, The Tar Sands: Syncrude and the Politics of Oil, (Hurtig Publishers; Edmonton: 1976).

159. "Syncrude, Indians Sign Two Agreements," Edmonton Journal, July 5, 1976, p.16.

160. Price, pp.12-15.

161. See "Amendment to Land Titles Act Would Quash Native Land Claim," The Albertan, March 26, 1977, p. See also "Law May be Changed to Halt Indians From Filing Caveat," Edmonton Journal, March 16, 1977.

162. See Alberta Municipal Affairs "Lesser Slave Lake Regional Plan: Rural Land Use Study", April, 1974, Section 3, pp.49-63.

163. A favourable settlement for one band in Manitoba, the Island Lake Band, has already been achieved. At the time of writing it would appear that an even more favourable formula for settling such claims, put forward by the Federation of Saskatchewan Indians, will be accepted by the federal government.

164. Manitoba Indian Brotherhood, Federation of Saskatchewan Indians, Indian Association of Alberta, "Interim Statement of Hunting, Fishing and Trapping Rights," (September 18, 1974).

165. Federation of Saskatchewan Indians, Manitoba Indian Brotherhood, and Indian Association of Alberta, "The Treaty Rights of Hunting, Fishing, Trapping and Gathering," (pamphlet, n.d.).

166. See for example, PAC, RG 10, Vol. 6820, file 492-4-2, letter of February 18, 1930, C.F. Newell to George Hoadley: In 1930 the Fish and Game Association was concerned that the proposed transfer of natural resources might diminish the ability of the Province to control Indian hunting, fishing and trapping.

167. See for example, George F.G. Stanley, The Birth of Western Canada: A History of the Riel Rebellions (University of Toronto Press; Toronto and Buffalo: 1961).

168. "Indians to Claim Oil Sands Treaty Rights Within Year," Edmonton Journal, June 20, 1974, p.50.

Chapter 6

1. See Michael S. Cross, ed., The Frontier Thesis and the Canadas: The Debate on the Impact of the Canadian Environment. (Copp Clark Publishing Co.; Toronto: 1970).

2. Zaslow, pp.281-282.

3. Colthart, p.84.

4. *Ibid.*, p.85.

5. E. Palmer Patterson II, The Canadian Indians: A History Since 1500, (Collier-Macmillan Canada Ltd; Don Mills: 1972), pp.6-7.

6. Arghiri Emmanuel, "White Settler Colonialism and the Myth of Investment Imperialism," in New Left Review, (No. 73, May-June, 1972), p.39.

7. *Ibid.*, p. 39 and p.44.

8. Canada, Memorandum to Cabinet, "Native Policy: A Review With Recommendations," Cabinet document -76, May 27, 1976.

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